¶In this booke

is contayned the office of Shiriffes, Bayllifes of liberties, Eſchcatoꝛs, Conſtables, and Coꝛoners, and ſheweth what euery one of them may do by vertue of their offices dꝛawen out of bookes of the common lawe and of the Statutes.

(.˙.)

Anno domini.

1570.

Imprinted at London in Fleteſtrete within Temple Barre at the ſigne of the hand and Starre by Rychard Tottyl

(.˙.)

Hat the office of a shirife is, hereafter shal more plainelye appeare but in a generally of his offyces rightuously and duelye to retourne all writtes and precepts to him directed, and truely to execute the same according as he shalbe commaũded in the same writtes and precepts. And that he take nothing of any person for doyng his offyce, but the due and accustomed fees to him belongyng. And that he duelye holde and keepe his counties courtes and tournes, according to the due course of the law. Uppon these three pointes dependeth the whole charge & effect of his office.

The offyce of the Sheriffe is to retourne good sufficient and reasonable issues and vpon such persons as haue sufficient goods or lands according to the statute of westm ij. Capitulo. 39. & Edwardi tertij Capitulo quinto.

The shyryffe ought to take the indytements found before him in his tourne by

indenture, and so shal bayliffes of fraunchyses, one parte whereof shall remayne with the indytours, secundo Edwardi tertij Cap. 17.

¶ The shyriffe may arrest men ridynge or goinge armed, and commit them to pryson there to remaine at the kings pleasure. ij. Edwardi. 3. cap. 5. at Northampton.

Shyryffes and vndershirikes shal receiue writes in euerye place within the countye wout takyng ought and shall make a bil whiche if they refuse, other that bee present shal put to their seales, and yf they retorne not the same writtes, they shalbe punished and shal rendre damages to the party. ij. E. 3. cap. 5. at Northampton.

¶ Shyrikes & Gailors shall receiue theues indyted or taken with the maner without taking any thing for the receyt. 4. Edwardi. 3. cap. 10.

¶ Shyrikes shall lease their hundreds and Wapentakes after the olde ferme and not aboue. an. 3. E. 3. cap. 25. & anno Edwardi. cap. 8.

¶ Shirikes ought to arest persons suspected felony going by night or by day whiche be of euil fame: an. 11. E. 3. cap. 14.

The

The ſhyrifs in one countie ſhal haue no mo bailifs errant but one. 13.E.3.cap.9.

Shyriffes ought to keepe theire tournes euery yeare within a moneth after Eaſter & within a moneth after Michilmas 13.Edward di terty cap.14.

Shyrifes that leane iſſues fines and amerciaments in the countye ought ý extreates enſealed with the ſeale of the Eſcheker ſo that as much as is payde may bee totted. And if anye ſhiriffe or miniſter doe the contrary he ſhal render to ý party treble damages, and ſhal make fine to the kynge, and the ſute herebf may be aſwel afore Juſtices of the peace as before other Juſticers.43.E. 3.cap.9.

¶ The ſhyriffes ſhall arraine the panelles of aſſyſe folwer daies before the ſeſſyons at the leaſt vppon payne of.xx.li. And bayliffes of liberties ſhall make retourne to the ſhirifs fire daies before the Seſſions vpon the ſame peyne.42.E.3.cap.11.

¶ The ſhiriff ought to examin loiterers and vagarantes and compell them to finde ſuertye of theire good behauioure by ſufficient mainpris of ſuche as bee diſtreynable if any defaut bee founde in ſuche vagarantes, and

if they can not finde such suerty thē to cō-
maund thē to the nert gaile ther to remaine
vntil ẏ cōming of the Justicers of gaile deli-
very, they to do with such vagarants as they
shal think best. 7. R. 2. cap. 7.

¶ The shirife shalbe bound fower times in
ẏ yere to make proclamation of ẏ statute of
Winchester in euery hūdred of his bailiwike.

¶ The shirife ought to take sweordes dag-
gers, & hangers from seruants, labourers, &
seruants of craftes men & vitailers ẏ weare
thē onles it be in time of war or when they
labor in the coūtrey w̄ their maisters or vpō
their busines. And the shirife shall keepe the
same weapons which they shall preset vnto
the Justicers of the peace at theire Sessions
w̄ ẏ names of thē ẏ bere them. 12. R. 2. cap. 6.

¶ Shirifes ought to receiue labourers ser-
uants, beggers, & vagabondz, & them deteine
in prison without baile or mainpris, & with-
out fee or taking any thing at their entre or
going out of prison vpon paine to forfait. C.
li. to the king. an. 11. R. 2. cap. 9.

¶ Shirifes & other ministers of the kinge so
soone as they shal haue knowledge of assem-
bles & ryots, with outragious nūbre of peo-
ple ought with the power of the shire to go

and

and make resistēce against such malice, with al their strēgth, & shal attache such misdoers & kepe them in prison vntil the due punishement of the law be executed vpon them. And al maner of Lords, and other the kings true liege men ought to be assistāt with al theire power & strengthe to ayde the shirifs & other ministers therin. 17. R. 2. cap. 8.

¶ Shirifes ought to be personally dwelling in their bailliwikes, for the time, & they shal not let them to ferme. an. 4. H. 4. cap. 5.

¶ Shirifs ought to se & prouide that neither their vndershirifes, baillifes, clerkes nor receiuours shall bee attourneis in the kinges courtes for the tyme of their office. 1. H. 5. capitulo. 4.

¶ Shirifes ought to let to mainpris personz indited of heresy & lollardz which are in their keping within tenne daies vnder good suerty so that they appere before the ende of the said. x. daies. an. 2. H. 5. cap. 7.

¶ Shirifes shal cause the statute of purueyours to be proclamed fower times in ẏ yere vpon payn of C. li for euery time that he faileth so to do. And vpō like paine shal deliuer the same to his successour to bee proclaymed 1. H. 6. cap. 2.

¶ Shirifs

¶ Shyrifes muſt make due election of knigh tes of the parliament. 9. H. 6. cap. 4.

¶ Shirifes muſte retourne ſuche perſonnes knightes of the parliament which be choſen by the greter numbre of the freholders dwel ling in the countie which may expende xl. s. yerely aboue al charges. And ỳ thoſe knight tes be dwelling within ỳ ſame county. And that he examine euery freholder at ſuch elec tions vppon a booke how much he maye ex pend. And if any ſhirife retorne other knigh tes he ſhal forfait. C. li. to the king and ſhall haue one yeres impriſonment without baile or mainpris.

Shiriſes vpon a precept made vnto them by Juſtices of the peace to enquire of forcible en tre ſhal retorne vpõ euery of the iurors. xx. s. in fines at ỳ firſt day. And Juſtices of the peace ſhal here & determine ſuch defautes of ſhyrifs by bil at ỳ ſuite of the party or by in ditement & they ſhal leeſe. xx. li. for euery de faut, & he ỳ wil ſue ſhall haue ỳ one halfe. 8. H. 6. ca. 9.

To auoide robberies & ſpoiles vpõ ỳ riuer of Seuern & by ỳ coaſts of foreſts of Dean & the hũdreds of Blodeſtom, & Weſtbury in the county of Gloceſter the ſhiriffes of Glo-

ceſter

reller or the baillifes of the towne of Glocel ter after notificatiō made to any of them of such liueries & damages, by ẏ party greued within fower dates, after suche notification made, shall make proclamation to the town of Glocester, that such offendours within .xl. dates after suche proclamacion shall restore vnto the parties endomaged their goodes so taken, or ẏ value with a reasonable amēdes The said shirifes baillifes to forfait .xx.li. yf they faile so to do. 9. H. 6. cap. 28.

¶ The shiriffe of Herforde neither in his tourne nor in any other place after ẏ tourne ended, shal take any enquirie or enquests of office which ought not to be taken ther. Neither shal hee take anye fine or amerciament for things not appertaininge to his office or turne vpō pain to forfait .x.li. an. 9. H. 6. ca. 7

¶ Shirifes ought to retourne in attaintez in ple of land, men of the yerely value of .xl.s. or in an action for dedes cōcerning lāds of such value, & in actions of the sume of .xl.li. & more those persons dwelling within their bailly-wike which may dispend .xx.li. yerely aboue al charges for terme of life at ẏ leaste out of auncient demeine, Gauelkind & ẏ .v. poxtes, & at ẏ first distresse .xl.s. at ẏ second C.s. & the

double

double value of euery other distresse against the Jurrours, vpon paine of x.li. to ẏ kinge & asmuch to the party. And if there be not sufficient persons dwelling wͤin the coũty which may expend. x.li. yerely then shall they inpanel other persons of the most sufficient possession of yerely value of landz & tenemẽts wͤin the value of. xx.li. vpõ paine to forfaite. x.li. to ẏ king & the party asmuch in the forme afore said. 15. H. 6. cap.

The shirif or vndershirif of Herford must arrest such persons of Wales or ẏ marches therof which be outlawed of treasõ or felony whom the said shirife knoweth or seeth to be in any place within the said county, & to brig them to the gayle. And if any such person being indited do disobey or flye away, the sayd shirife shall leuy hue & cry & pursue him vpõ pein to make fine & raunsom to the kinge. 23 H. 6. cap. 1.

¶ The shirif shal not occupy his office aboue one yere & if he so do thã to forfait xx.li. & euery pardon for such offences shalbe voide any words put in such letters patents notwͤstanding. Also hee ẏ presumeth to occupy ẏ same office aboue one yere by force of suche letters patẽtz shalbe disable to be shirif in any other shire afterward. 23. H. 6. cap. 8.

¶ No shirif shal let to ferme his countye nor any of his bailliwiks hūdreds or wapētakes
¶ No shirif, baillifs of fraunchise, ne other officer shal returne in any panel any of his bailifes officers or their seruants.
¶ No shirife nor any other to anye vse shall take ought of any person to be arrested, or attached nor to surcesse of any arrest or attachemēt to bee made by the bodye, nor shall take ought of anye persō arrested or attached for fine fee suit of prison mainpris lettīg to bayl or for shewing any fauor or ease to any psō beig so arrested except it be as herefoloweth ẏ is to wit to ẏ shirif. xx. d. to ẏ baillif ẏ made the arrest. iiii. d. & to the gaillour if ẏ prisoner be cōmitted toward. iiii. d.
¶ The shirif him self nor any to his vse shal not take any thing for ẏ making of anye returne or panel but for the coppy of the panell iiii. d. how be it they vse to take ij. s. for ẏ retorne of a panel, but ẏ semeth to be extorciō. Shirifs ought to let out of prisō al prisoners being in their ward by force of any writ byl or warrāte in any actiō psonal or inditemēt of trespas vpō a reasonable suerty being sufficient in the countye to keepe theire daies in the places as the sayde bylles wrytles

or warrants require, except such as be cõdẽp ned outlawed or excommunicate or for suer ty of the peace or by the cõmaũdemẽt of anye Justicer & vagabonds which refuse to serue. Also shirifs ought not to take any obligati ons for any thinge aboue mencioned, or by coulour of their office but onely to thẽ selues nor of any persõ being in their ward but by the name of their office as by ẏ name of shi rifes in the obligation, vpon cõdicion that ẏ parties shal appeare at the daies cõteined in ẏ writs in such places as the billes, writtes, or warrants require. And if anye obligation be taken of any person by colour of their of fice in any other forme it shalbe voide.

¶ Shirifes shal not take for any obligation warrant or precept by them to be made any more than. iiij. ð.

¶ Shirifes must make their deputies yerely in the kings courtes (that is to wit, in ẏ chaũ cerye, the benche & the Eschequer) of record, before they retourne any writ.

¶ Shirifes that do contrary to this ordinãce in any point shal leese to the partye greeued treble damages, & shal forfait xl. li. for euery time that they shal so offend, ẏ one halfe to ẏ king, ẏ other to him ẏ wil sue. 23. H. 7. cap. 10.

¶ Shirifes

¶ Shirifes when writs be directed vnto the to leuy the expences of knights of the parliament muſt make proclamation at the nexte county, after the deliuerāce of ỳ ſame writs, that the coroners conſtables & bailliffs of hundredes ſhal be there to aſſiſe their wages vpon peine of.xl.s. what time they ſhal aſſeſſe euerye hundred at a certeine ſume by it ſelfe & after they ſhal aſſeſſe euery village within the ſame hundred at a certeine ſumme by it ſelf. And if they be otherwiſe aſſeſſed, for euery defaut thei ſhal forfait.rr.li. The one half whereof ſhalbee to the partye that will ſue. And the ſhirife ſhal leuy the ſame duely, and ſhal pay it to the knightes of the parliament vpon peine of rr.li. And the party that wyll ſue ſhal haue his action by Scire facias, and ſhal haue r.li. aboue the rr.li. with treble damages. 23. H.6. cap. 22.

¶ The ſhirife after the deliuery of any writ to make election for the knights of the parliament muſt make a ſufficient precept vnder his ſeale to euery maire and bailliſe of cities and boroughs, within the county, them commaundyng to elecie citizens, and burgeſſes to come vnto the parliament. And the ſayd Maire and bayliſe ſhall truelye retourne ỳ

ſame

same precept to the shiriffe by indenture betwene them for election & names of the that are so chosē. And the shirife is boūd to make a good & true returne of euery suche writ, & of euery returne made to him by the maire & baillifes. And for euery time ỳ the shirif shall do contrary to this or any other statut made for the election of shirifes to come vnto ỳ parliament he shal encurre the peine of one C.li to the kinge, & a yeare imprisonment wtoute baile. And more ouer shal pay vnto the persō so being chosen, knight, Citezins, or burges & not duely retourne, or to any other person, whiche in defaute of suche knight, Burgesse or citizen wil sue therefore, one C.li to be recouered by action of det.

¶ And the shirife ought to make suche elections in the ful county betwene the howerz of viij. & ix. before noone, and to make a good & true returne of such elections vpon peine to forfait an C.li. to the kinge & asmuch to the party that wil sue there fore against the shyrifes, their executors or administers. 24. H. 7 cap. 15.

¶ Shyrifes in their turnes ought to inquire heare or determine, if anye minister, of the wardon of the courte in the marches of Scot

land,or if any other arrest any person by his body,or attache him by his goods out of the counties of Northumberland, & Cũberland & westmerland & the towne of Newcastel to aũswer in any of the saide courtes: or els by colour or cause of any proces in ỳ said courts for in suche arrestes it shalbe lawfull for euery man to make resistence. And the party greued shall haue an action of false imprisonment or trespas,and shall recouer treble damages therfore, & the defẽdãt shal haue two yeares imprisonment, and the shirife shall haue power to procede thertupon,as wel as vpon a presentmẽt made in his tourne.21.H. 6.cap.2.

¶ Wher as some men by dissimulation and other meanes faine them selues to be louers to womẽ vnmaried,as maidens or widowes hauing great possession & substance of goods & get such womẽ into their possessiõ,& cõuey thẽ into such places,frõ whẽce they wyl not suffer them to go at their liberty,except they wil make to thẽ obligatiõs of great sũmes to be payd vnto thẽ or cause thẽ to be bouden in estatute Marchaunt,or some time wil cõpell thẽ to be maried at their pleasure which if they refuse to leue vpon them the sũmes

conteined in the same obligations, and sta-
tutes it is ordeined that the partye greeued
shall haue a writte out of the Chauncerye,
compryling the whole matter of theirs vn-
reasonable intreating directed to the Shy-
riffe, commaunding him to make proclama-
tion at the nexte countie after the receyte of
the writte that the offendour shall appeare
at a certeyne daye and place prefired, in the
writte before the Chauncellour or the Jus-
ticers of assise of the shyre, where such offen-
ces shal hap to be done or before some other
person assigned by the Chauncellour. And
the shiriffe, to whome suche a writte shalbe
directed, and shall execute the same accor-
ding to the tenour therof vpon paine of. 300.
poundes, the one halfe to the king the other
to him that will sue therefore by writte of
dette, wherein no wager of law proteccion
nor forein ple (to cause ỳ matter to be tryed
in an other countie then where the writte is
brought) shalbe allowed. an. 31. H. 4. cap. 4.
¶ Vpon euerye enditement or presentment
taken before shiriffes or theire ministers in
their tournes, or lawe dates as they shal de-
liuer the same enditements & presentments
to the Justicers of the peare at theire next
Sessions

Sessions vpon peine of xl. li. And the Justicers of the peace shall awarde proceſſe vpon the same, as well, as if they had bene taken before them selues, and shall arraine those that be so indyted of felony and shal set fines vppon suche as be endyted of treſpas, the extreates of whiche fines shall bee inrolled by indenture, and deliuered vnto the same shiryffes or ministers.

¶ And if any shiriſes or theire ministers arreſt or attache anye person by colour of anye suche inditement or preſentment in theyre tournes or lawdaies, or els take any fine or amerciamen. therefore, they haue proceſſe from the Justicers of the peace, or afore that extreaters out of the Inditementes shalbee deliuered, they shall forfait C.li. the moitie whereof shalbe to the partie suyng therefore by writt of dett in which no wager of lawe nor protection shalbee alowed. i. Edwardi quarti. Capitulo vltimo.

¶ Vpon an information made to Justycers of peace, or to other Justicers againſte anye person for reteining or gyuing of liueries, or against any that is reteined or taketh liuery the Justicers shall make proces therupon as vpon a recouery of dette or treſpas. And

if the shirife in any sute graunted ther eupon against any person being sufficient retourne any lesse issues, then xx. s. at the first daye of the distresse and at the second day. xxx. s. and at the thirde day xl. s. And so at euery day after, more by x. s. in issues for euerye suche retourne he shal forfait xx. s. viii. E. 4. ca. 2.

¶ The olde Shiriffe shall haue power to retourne writtes, and to execute hys office, during the terme of S. Mighell and Hillary after the yeare of his saide office expired, onlesse he be lawfully discharged therof before 15. Ed. 4. Ca. 11.

¶ No shiriffe, nor other officer shall sease or take the goods of any person being arrested or imprisoned for felony, vntill the same person be duely conuict or attainted of the same felony by course of the common lawe, or except the same goods bee otherwise lawfully forfait, vppon peyne to forfait the double value of the goods so taken to the party greued suing therfore by action of dette, wherein no wager of law, essoine, nor protection shalbe allowed. 1. R. 3. Ca. 3.

¶ No bailiffe nor other officer in any panell within any countye of thys realme shall retourne any person to bee put in or vpon any

inqui-

inquirie in the tournes of shiriffes, but suche as be of good name and fame hauinge free-holde to the yerely value of xx.s. or copyholde to the yerely value of xxvi.s.viii.d. at ỹ least aboue all charges vppon paine to lese for euery personne not being sufficient, at euerye time that they shal so do offence xx.s. and the shiriffe other xl.s. wherefore the one moitye shalbee to the partie suynge therefore by action of dette in which suite no protection, nor essoine shalbee allowed. But wager of law is not exprelled. And for that cause it behoueth to make information therof in the Escheker. i. R. 3. Ca. 4

¶ Shiriffes or other hauinge the custodye of Gayles shall certifie the names of euerye prisoner being in theire custody and to them cõmitted for felony, vnto the Justicers at the nexte generall Gayle deliuerye to bee kalendred, vppon peine to forfait for euerye tyme that they shal make default in so doing C. s. iii. H. 7. cap. 3.

¶ Also the shirife nor no other person in his name, or by his commaundement shal enter no pleintes into their bookes in no mannes name, vnles the pleintif be there in his ppre plõ or els by sufficiẽt atturney or deputy, ỹ is

knowen of good name, and the pleintif shal fynde pledges, persons that bee knowen in that countye to pursue his pleintye, and the pleintife shall haue but one plainte for one trespas, or one contract. And if the shirife or any other his officers cause to be entred any mo pleintes then ỹ pleintiffe supposeth that he hath cause of actiõ against the defendant, than the shirife or his clerke that doth cause to be entred any such pleintes, contrarye to this act shall forfait for euery defaut xl.s. the one halfe to him that will sue and proue the same matter by actiõ of dett or informaciõ. ¶ Also the shirife shall make sufficient preceptes after suche pleyntes entred agaynste the defendant directed to the bayliffe of the hundred to attache or warne the defendaunt to appeare and aunswere to the said plaints and if there be any default in the saide bayliffe of the hundred in warninge, or executing of theire offices they to forfait xl.s. and to be conuicte thereof by examination of the Justicers of the peace or anye of them. ¶ The same shirifes nor their deputies shal make none estreates to leuy the shyre amerciaments till that it. Justicers of the peace whereof one to be of the Quorum haue the

ſyght of their bookes and the eſtreates to be endured betwixt the Juſticers of peace and the ſhiriffe and vnder ſhyriffe ſealed wyth theire ſeales, the one parte to remaine with the ſaide Juſticers, and the other parte with the ſhiriffe.

¶ And thoſe parſons that ſhalbe gatherers of the ſaide amerciamentes ſhalbee ſworne by the ſaid Juſticers that they take no more money then is forfeite and conceiued in the eſtreates ſealed with the ſeales of the Juſtyceters to the ſame vpon the ſame peine of forfeyture, as is a boue rehearſed, the ſame gatherers to bee conuict by examination of the ſame Juſticers, or one of them. And the ſame Juſtyceers of peace ſhalbee appointed at the Seſſions holden at Mychaelmas by hym that by the eldeſt of the Quorum to haue the controlment of the ſayd ſhiriffes, vnder ſhiriffes, ſhyre clarkes and other of the ſayde officers, and of the ſayde ſhiriffes amerciamentes. And the ſaide Juſticers of peace vpon ſuggeſtion ſhall make proces againſte the ſhiriffe vndershiriffe, ſhyre clarkes or other officers to appeare before them to anſwere to ſuch ſuggeſtion or infoꝛmation, as is vſed in action of treſpas. An. 2. H. 6. ca. 4.

¶ Alſo

¶ Also euery Shirife shall cause to be taken all vacabondes, ydle people and suspect persones and sett them in the stockes, there to remaine at the first taking by a day and one night & at the second time to be in the stockes by three dates & three nyghtes, with bread & water. And if anye shirife execute not these premisses of euery vagabound, heremit, or begger able to labour, or clerkes, pilgrims, or shipmen, as often as any suche cometh in sight, or that he hath therof anye knowledge within the town or place where he hath auctoritie that as oft as anye suche misdoer abydeth there aboue the space of one daye & one night & departe vnexamined & vnpunished, for euerye misdoer so departed the Shirifes to lose three .s. iiii.d. and the Shirife in his tourne hath authoritie to enquire of all the defaultes of Waires, bailifes, high Constables, petie cōstables & all other gouernours and officers of Cities, townes, and villages within theire tourne and to haue iii.s. iiii.d. for euery defaut founde in his tourne. An, 17. H.7. Ca.12.

¶ Also euery shiriffe vppon a precept directed vnto hym by the Justicers of peace to retourne a panel to inquire of any ryot or vnlawfull

lawfull assemblie committed shall retourne xviii. persons dwelling in the shyre euery of them hauing xx.s. of freehold or xvi.s. viii.d of copyhold or of bothe ouer all charges, & to retourne in issues euery parsonne xx.s. at the first daye, and at the second daye xl.s. and if the default be in ỹ Shirif for the retourning of personnes not beinge of that sufficiencye or for none retourninge of issues in fourme beforesaide he to forfait xx. poundes. Anno. 16 H.7. cap. 15.

¶ Also if any ryot or assemblye of people bee made in anye parte of this realme againste the lawe, the Justicers of peace, or twoe of them at the leaste, and the Shirife or vndershyrife may come with the power of that county (if nede be) to arrest & bring them before the same Justicers of the peace. And the Shirife or vnder shyrife haue power to recorde that ỹ they shal fynde in their presence done contrarie to the lawe, & the offendoure shalbe conuict by such recorde. And if they be departed before the comminge of the sayde Justycers, Shyrife, or vnder shyriffe, then shall the same Justycers, or twoe of them wythin one moneth after such ryot, enquire diligentlye where the assemblye was made.

And if the truthe can not be found, then the same Justicers, or two of them and ỳ shirife or vndershirife aboue said, within a moneth next folowing, shal certifie before the king & his counsel the whole dede with al the circũstaunces thereof which certificat shalbee as strong to put the parties to aunswer thereupon, as an inditemẽt found by twelue mẽ. An.13.H.4.cap.vltimo.

¶ And if the sayd riot or vnlawful assemble be not found (by reason of any embracery or maintenaunce of the sayd Jury) then ỳ sayd Justicers of peace & the Shirife ouer & aboue such certificat that they must make accordig to the sayd statute made. An.13.H.4. shall in the same certificat certifie the names of the sayd maintenours & embracours in that behalfe (if any be) with their misdemeanours ỳ they know, vppon peine of euery of the sayd Justicers, and shirifes or vndershirifes. rr.li if they haue no reasonable excuse for none certifiynge of the same, whiche certificat so made, shalbe an inditement in the law. And euery person duely proued to be maintetnor or enbracisour shal forfait. rr.li. and to be committed to ward, there to remaine by discretion of the Justicers. an.19.H.7.cap.13.

¶ Also

Also that no Shiriffe vppon writtes and preceptes directed by hym doe retourne before Escheatours or Commissioners, anye person to inquire of any landes or tenementes except euery of the same Jury haue landz & tenements of ỳ yerely value of xl.s. aboue all charges in the same shyre vpon paine of forfeiture for euery personne so retourned a hundred shillinges. Anno.3.H.8.Ca.2.

Also all panelles put in by the shiriffe before any Justicer of gayle deliuere, or before Justicers of peace (whereof one to bee of the Quorum) in theire open sessions to enquyre for the kyng, shalbee reformed by puttynge to and taking out of the name so impanelled by discretion of the same Justicers, and that the same Justicers or Justicer shal cõmaund euerye Shiriffe and their ministers in their absences to put other personnes in the same panell by their discretion and the same panel so reformed by the Justicers to bee good. And if anye shirife do not retourne the same panell so reformed then euery shiriffe so offending for euery such offence shall forfayte x.li. halfe to him that will sue by action of dett, byll or complaint where such shall fall or be, and no wager of law, essoine, nor pro-

tec-

tection shalbe allowed.

¶ Also vpon euery erigent where writtes o proclamation are to bee awarded the same writte of proclamation to haue the same day of retourne that the erigent hath and to be deliuered of recorde and the Shyrif to make Proclamation three seuerall dayes in hys pleine countie, whereof one of the proclamations to be made at the general Sessions in those parties where the party is supposed to be dwelling, that he yeld him self to the Shirife of the foreine shyre that the Shirif may haue the bodye at the daye of the erigent returnable to aunswere to the plaintes, and that the shirife of the saide countye that hath suche writtes of proclamation duelye execute the same and thereof make due retourne at the day appointed in the same writte, vpon peine to forfait such amerciament, as by the Justicers shalbe assessed.

¶ Shiriffes, Bailyfes, Constables and all other head officers, and euerye of them kynding or knowing anye person vsing or exercising any vnlawful games contrarie to the statut, haue full power to commit euery such offendour to warde, there to remaine without baile or mainprise to such time as they

offen

offending be bounde by obligation to ẏ kinges vse in suche summes of money as by discretion of the said Shirifes, or other officers: shal bee thought reasonable that they from hēce forth shal not vse any vnlawfull games Anno.6.H.8.ca.2.

¶ If anye impotent personne begge within any other place then within such limittes as he shalbe assigned the Shirifes and al other the kinges officers shall by theire discretion punishe suche personnnes by imprisonment in the stockes, by the space of two dayes and two nightes, giuing them bread and water onelye, & after that, cause them to be sworne to retourne againe to the place where they bee licensed to begge. Anno.22. Henrici 8. Capitulo duodecimo.

¶ The Justicers of peace vpō information or presentm̄t made against any Township for none executing of this act, shal make proces by distres against the inhabitants of the towne, & thereby the Shirife shall distreyne the goods of one or two of the inhabitants of the town as he may know for negligēce in ẏ town & retaine the distresse til he find surety to appere at the Sessiōs before the Justicers.

¶ And vpon the retourne of the Shirife of

the

the distresse, if the person appere not, then euery such person to lose xl. d. at the firste distres, and at the secounde distresse. vi. s. viii. d. vpon his default, and so to be double at euery distresse til apparaunce be had.

¶ Shiriffes that haue custodie of Gayle shal make seales to bee grauen with the name of the Castel that he kepeth, for to giue & seale writtes to prisoners acquited to begge for their fees within the hundreth where hee is deliuered by vi. weekes nerte after his delyuerie, and then to goe to the hundred where hee laste dwelled by iii. yeare, or where hee was borne. The Shiriffe shal not suffer any suche prisoner to begge for his fees, nor to departe but to doe seruice and labour, till that hee deliuer him suche letter & the clarke of the peace to make the brieke wythin one day after the Sessions, vpō peine of twelue pence to the king. An. 22. H. 8. Ca. 12.

¶ For distroying of Crowes, Rookes, and Choughes, it is ordeyned that euery person hauing any manours lands and tenements in their manurance, shal doe as muche as in him is reasonable to kyll and destroye the same crowes, Choughes and Rookes breedyng or abydinge vppon his landes or tenementes,

mentes,

mentes, vppon paine of a greuous amercea-
ment to be sett. And if the offence be within
the limittes of letes rapes or courte barons
then to bee set by the stewarde with twoe of
the presentours by the Steward, and prese-
tours to bee named vppon the presentment
found and presented and to bee reasonablye
assessed after the quantitie of the offence.
And the amerciament to bee to the lorde of
the lawday. And if any personne be lorde of
suche manours, or inhabite there (whereun-
to any suche lawdaie or rape is belonginge)
then vpon a presentment had before the shi-
rife in his tourne with twoe of the presen-
tours to be chosen by the presentoures shall
cesse the saide amerciament by theire discre-
tion to the vse of the king and bee leuyed by
distresse. An. 24. H. 8. Ca. 10.

¶ And the shiriffes in theire tournes shall
giue in charge to the tenauntes and inhabi-
tantes appearing before them that they shal
duely enquire, and put in execution the effect
of this acte.

¶ Shiriffes shall holde theire courtes from
moneth to moneth. And where greater time
is wont to bee, greater shalbe. Magna carta
Cap. 33.

¶ The

¶The king commaundeth that Shiriffes theire officers which receiue his dett shal acquite lawfullye the dettours at the nexte accompts after that they haue receiued ỹ dett and then it shalbe allowed at the Escheker, so that it shall not come in the somons after. And if the Shirife do otherwise, and bee attainted therof he shal render three times so much as he hath receiued, & shall make fyne at the kinges will. And if an other doe it, for whose hand he is aunswerable at the Escheker, hee shall render the treble thereof to the pleintife and shal make fine in the same, and the Shiriffe shall make tayles to all them that haue paide him the kings detts. Westminster primer. Ca. 9.

¶Concerning Shirifes and other whych haue leuied the kings dette, and make tailes or other acquitaunce to the dettour, and dyscharge him not. It is agreed that when the Shirif is impleded therfore in the Escheker by the dettour, if he come not at the distresse, then shall another distresse bee awarded retournable at a certeine day wherin shalbee commaunded that proclamation be made in the ful countie, that the defendant shal come in by a certeine day to acquite the dettour of

the

the summe, for whiche hee made him the acquitance or taile, at which if he come not in, and the writ be retourned and proclamation certified, he shalbe holden conuict, & the dett shalbe leuyed of him in like maner as dette recouered, against him in the kings courte, & dammages shalbe awarded to the pleintife, according to the discretiō of the Barons. 14. E. 2. in the statute of Atteints, ỹ last Chapt.

¶ The king commaundeth that al Shirifes and bailifes which haue receyued his dettes, of the sommons of the Escheker, whyche acquite not the dettours vpon the nert accōpt, shalbe punished according to ỹ statuts made Distrelles of the Escheker. Cap. 5.

¶ It is ordeined that execution of writtes which come to the Shirife, bee made by the hundreders knowen & sworne, and in the full countie, & not by others, if it bee not for greate scarsitye of hundredars. For then it shalbe don by other persons conuenient and sworn. The statute of Linc the last chapter.

¶ Shirifes shal not bee charged with the leuying of any issues nor shal leuie any before they come out of ỹ Escheker by the estreats there to be leuied. And if percase any Shirif retourne issues vpō any recognitor plege or manu-

manucaptoꝛ, by him alleſſed and retourne
into our court, whiche to the payment of th
ſame iſſues oꝛ amerciaments at the tyme
the retourne was inſufficient: the ſame ſh
riffe ſhalbee charged therewith at the Ex
cheker, and ſhall make tailes to all perſone
of all maner of thinges by him receiued, an
ſhall not retourne any where the names o
manucaptoꝛes, Jurours, oꝛ other excepte
be accoꝛdinge to the tenour of the wꝛittes t
them directed, noꝛ ſhall retourne the name
of pledges of free men any where onles th
haue manifeſtly confeſſed them ſelues pled
ges. The ſtatute of fines. Cap. 2.

No ſhiriffe, coꝛoner, oꝛ other the kynge
miniſters ſhall take no rewarde foꝛ doyng
his office, and if he do, hee ſhall paye the dou
ble, and ſhalbee pnniſhed at the kings will
but ſhalbee paide of that which they take o
the king. Weſtminſter. Cap. 26.

Shiriffe ſhall not ſuffer any barretour o
mainteinour of matters within his county,
neyther ſtewardes of greate loꝛdes oꝛ other
(which be not attourneys to theire loꝛdes to
do theire ſuites) noꝛ to ſitt vppon the iudge
ments of the countyes noꝛ to pꝛonounce the
except he be thereto required of all ȳ ſutours

and

& attourneis ꝑ shalbe there at the same iourney. And if he do the contrary, the king shall take it grevously to the shirife and the offendour. Westminster.1.ca.21.

¶ It shalbe lawful for euery shirife Justicer of peace and Escheatour to seale to ꝑ kynges vse al such goods & cattels that such persons as come within this realm ꝑ be called Egiptians haue, and therof to make accompte to the king in his Exchekier, and to retaine and kepe the moyty therof to his owne vse, and accompte for the residewe, & to paye no fees for the accompte nor for his discharge therof.

¶ In the statut it appeareth what thing the shirife ought to do by reason of his office, and that he ought not to take any thig for doinge his office but onely that which is appointed to him by the same estatute. And if he do or take any thing otherwise it is extorcio which ought to be enquired vppon by Justicers of the peace and the shirife shallbee punyshed therefore.

¶ And if any shirife do any extorcion to the people, & be duely attainted therof he shalbe straitly punished. therfore at the pleasure of the kyng. an.1.H.4.cap.11.

¶ Shiriffes may and are bounde to enquire of commen anoyances done to all maner of the kings subiectes, but not of assaults made vpon any priuate persō, for ẏ is a particuler offence, by Martin. 4. H. 6.

¶ The shiriffe must kepe his tourne within a moneth after Easter, & within a moneth after the feast of saint Michel. And if he kepe it at any time after the moneth of the saide feastes, it is void by the estatute of Anno. 3. E. 3. cap. 19. And all inditements, and presetments there taken after the same time be voyde.

¶ Bloudshed shalbe enquired of, in the shiriffs tourne, because it is an article that is to be inquired of in a Let. All Letes be deryued and taken out of the shirifes tournes, in so much that for defaut of inquirie in leetes of things inquirable there the same things thes omitted ought to be inquired of in ẏ tournes of shiriffes P. 8. E. 4.

¶ And al the Justicetz sayd that the shiriff in his tourne hathe auctoritie to inquire of all things that be trespas or felonye by the common law (excepte the death of a man) but of trespas or felony made by estatut ẏ shiriff in his turn hath no power to inqre of M. 28. E.

¶ And

¶ And if the shiriffe in his tourne inquire of instances, that should be inquired of in ẏ lete of an other, and the same be founde, yet may he not distraine for the amerciament of such a presentment. For if he do he is trespassour But if there were a defaut in the lord of the Lete in that he would not inquire or find the same, whan hee ought to haue inquired ther of in this caule it semeth ẏ ẏ shiriff his turne may inqre of it in defaut of ẏ lord. M.28.E.3

¶ And if one haue a faire or market by grãt or prescription, and kepe not his faire or market as he ought the shiriffe ought to enquire therein his tourne. 21.H.6.

¶ Uppon a presentment of Purpresture in the shiriffes tourne, the partye shalbe amerced there by the shiriffe, whiche maye distraine for the amerciament. And if purpresture be presented ther ẏ shiriffe may abate the same, & retourne it. M.26.E.3.

¶ Also it appeareth by the booke of Britton, that onto the tourne of the shiriffe oughte to come all the freholders of the hundred, & other laude tenaunts (Clarkes, men of religion, and women onelye except) where at the shiriffe shall cause twelue of the most sage & sufficient persones of the hundred to be sworne

And then shall al the residew bee sworne by dosins and by the townes which shall make their presentment to the firste.xij. Jurrours vpon the articles wherewͭ they shal be charged. And it semeth that the shiriffe ought to hold his retourne in euerye hundred within the county.

¶ *What things be inquirable in the Shiriffes tourne.*

First they shall enquire if there bee anye misdoer in the hundred of whō any standeth in doute of life or lim, and what is his name.

¶ Also they shal inquire of all mortall enemies to the king, the Queene, their children or counsellours, of counterfayting ẏ kyngs seale or his money, of mansleyers, and murderers, of burners of others corne or houses feloniously, of burglours, of robbers, of theeues, of outlawes, of those that haue abiured the realme and come agayne with sorcerers and witches, of miscreants and heretikes, of traytours and of prisoners of cutters of purses, of vsurers, of vitailers bying and selling wittingly stolne fleshe of them ẏ wittinglye

make

make which the skinnes of beastes stolne re
bubboured that wittingly by stolne clothes,
and dresse them into another facyon, of trea-
sour hyd in the ground, hues & cries wrong-
fully or rightfullye leuied & not pursued, or
water stopped, straightened or tourned, of
boundes pulled vppe or wrongfully chaun-
ged of walles, houses, gates marlepittes, dy
ches, or other disturbãces made or leuied vpõ
any common way to the annusaunce, of pe-
ty bribours that shere shepe to haue ẏ wool,
of such as take thefbote, and of those ẏ haue
made a prison of their owne house or howse
holde, of pound breache, of trespassoures in
parkes and pondes, of takers of other mens
Doues, of the assise of bread and ale broken,
of them that buy and sell by measure against
the assise, of chaunce medleis, of conteckours
of bloudshed, of watches vnkept, of ẏ kyngs
highe waies not enlarged, of those that haue
kept appeachours in anye other prison then
the kings or any other felon aboue a day & a
night, of new liberties customes or iurisdic-
cions vsurped since the last tourne on water
or on lande, of weifes, of wreckes of the sea
found and kept away, of bridges & caulceys
broken, & who ought to repaire them, and of

those that claime fraunchises or iudgements reall̃es, and of all those of the age of twelue yeares gonne out of the hundred, whiche be not come into the tourne (except Clerkes, knights theire children and wiues which be not in dosins) of vacabondes by the cõtrey which are of no mans retinue, of whõ there is any euel suspection of lewde demeanoure And when the townes haue geuen their verdit to the first Iurrours, then immediatelye shall the first Iurrours go and geue vp their presentment such as they will abide by. And the presentment of felonies they shall shewe priuily, and the other openly, Britton. lib. 1. fol. 38.

Nowe must ye inquire further if baillifes of liberties and fraunchises haue duely done theire office whiche resteth in three pointes, which is that they truely execut his precepts whiche be directed vnto them according to ỹ tenours of the same, and that they make due aunswer and retourne to the shiriffe of the same preceptes, and that hee take nothynge for doing his office, but onely the fees to him due, and appointed by the course of the law and what fees they shal take, and what thinges they ought to do by reason of their office

shall

shall appeare more playnelye heare folo-
wyng.

¶ *The offyce of baylyffes of libertes.*

VPon a precept made by the shiriffe to a baylyffe of a libertie vpon a wryt of distresse directed to the shiriffe to dystreine the defendaunt in the same wrytte, or the Jurrours in anye inquest, the baylliffe must returne good & sufficiēt issues vppon the defendaunt, or vppon the Jurrors if they haue sufficiēt goods or lands wīn his baylliwike, and if hee doe not the plaintife in the action shall haue an auerment that he myghte haue retourned greater issues, yf the defendaunt make defaute, or the Jurrors by the statute of primo Edwardi tertij capitulo quinto. And Justicers of the peace must inquire if the baillifes haue done their office in that point.

¶ Also they must inquire if baillifes of liberties which be kepers of any Gayle, enforce any of their prisonners to bee appellours to thentent to haue a fine of ỳ parties appealed for dout of imprisonment. 1. E. 3. cap. 7.

¶ Bayllifes of liberties which take inditements in their tournes or other wher, ought to take them by indenture, where of the one party shal remaine with the inditours, & the other w̄ the baillife. 2. Edwardi tertij capitulo. 17.

¶ None shalbe made bayllife of libertye, except he haue sufficient lād in the place where he is minister, to make aunswer to the kyng & his people. 4. E. 3. ca. 9.

¶ Baillifes of liberties which be gaolours and haue the keping of p̄isons ought to receiue and safely kepe al theeues delyuered to them by the Constables of the towne being indited, taken with the manner, or appealed of felony without takyng ought quarto E. 3. cap. r.

¶ Bayllifes of liberties must receiue surhe persons as be arrested in their fraunchise by the Constables, for̄ suspicion of felonye, that walke in the countrey by night, or be of euill fame, and shall kepe them in p̄ison vntil ẏ comming of the Justices of gaole delyuery, & in ẏ meane time the baillifs must inquire of them. 5. E. 3. cap. 14.

¶ Baillifes of liberties Constables & other officers of townes where loyterers and vacabondes

labodes resorte haue power to examine thē
diligently, & compel them to finde suerty by
sufficient mainpernours being discreyable
of their good behauior. And if any defaut bee
founden in the same loyterers and vacabon-
des and cannot finde suertie, they shalbe set
to the nert gaile there to remayne vntill the
comming of the Justicers of Gayle delluerie
which may do with them as they think best
by the course of the lawe. 7. Richardi secun-
di cap. 5.

¶ No seruaunt or labourer at the end of his
terme shal depart out of the hundred or rape
where hee is dwellinge, to dwell anye other
where onlesse he bring a letter patent cōtey-
ning the cause of his goyng, vnder the kyn-
gis seale thereto assigned. And if anye ser-
uaunt labourer be found vagarant without
suche letter, hee shall bee taken forthwith by
the shirifs maires baillifs or other officers &
put in stockes vntill hee finde suertye of re-
tourne to the towne to serue from whēce hee
came, vntil he haue such a letter to depart for
cause reasonable. 12. R. 2. cap. 3.

¶ Baillifes of liberties haue power to ar-
rest seruaunts and labozers that weare dag-
gers sweordes and knives and thē to sease &

keepe

keepe vntil the sessions of the peace, and the weapons to present to the Justicers there wt the names of them that beare them, and the weapons shalbe forfayte, excepte they be traueling in ye coūtrey wt their maister, or i their lands or busines 12. R. 2. cap. 5.

¶ Shirifes and baillifes of liberties in theire liberties, are bounden to receyue seruaunts and labourers beggynge and vagarant, and them to deteyne in prisonne wythout bayle, wythout takyng of anye fee or other thinge of them at theire entre or departyng by thē selues or by theire deputies vppon payne of a C. s. to ye king. 12. R. 2. cap. 9.

¶ Bailliffs of liberties to whom the keping of the assise of bread and ale and the correcion of the same belongeth, shall take no amerciament nor fine for no defaute touching the sayde assise for whiche the offendour oughte by the lawe to haue corporall penaunce but they shall adiudge them to the same penāce. And bayllyffes of liberties and al other that haue the keepynge and ouersighte of vitails shall put in due execucion the estatute made in the 33. yeare of Edwarde the thirde, which beginneth. *Quia maior pars populi &c.* 13. R. 2. cap. 8.

¶ Bouchers

Bouchers, Fiſhers Hoſteilers, Brewers Bakers Pulters, and al other ſellers of vytayles are bounden to ſell ſuch maner of vitales at a reaſonable price, hauing regarde to the price whereat ſuche vitailes are ſolde at other places nere, ſo that they may haue a competente gayne and not exceſſiue according as by the diſtaunce of the places (from whence the vitailes are caryed) they ſhall think reaſonable to be inquired, & if anye ſell vitailes in any other maner and there of bee conuict, he ſhal pay the double of that he hath receiued to the partye endomaged, or in his defaut to any other ỹ will ſue therefore. And maires & baillifes of townes &c. haue power to inquire of al ſuch as offend againſte thys ordinaunce in any point and in caſe that the ſame maires and baillifes be negligent in doynge execution of the premyſſes, and thereuppon bee conuicted by the Juſtycers aſſygned by vs, theye ſhal bee compelled by the ſame Juſticers to reſtore the treble value of the thynge ſolde to the partye greeued, or to anye other that in hys defaute wyll ſue and neuertheleſſe ſhall bee greuouſlye puniſhed againſt vs vicesimo tertio Edwardi quarti capitulo.

No

¶ No stelward, bailliffe, nor other minister of lordes of fraunchiles which haue retourne of writtes shall bee attourney to anye person in any matter within the same fraunchise or bailliwike wher he is officiat anye maner of time. 4. H. 4. cap. 19.

¶ If anye heinous ryotte, be made the Justicers of the peace and the shiriffe or vnder shiriffe oughte to doe theire office according to the statute made. 23. Henrici quarti. And if they do not at the suite of the party greued a commission shall go forth to inquire therof, and of the default of the Justicers, and the shiriffe and the Coroner shall serue the procesle, and hee muste retourne personnes that haue lande to the yearelye value of ten pound and shall retourne also. xx. s. in issues at the firste daye, and. xl. s. at the second day, and at the thyrde daye a C. s. and so double it at euerye daye after. And if default be in the Coroner in retournyng the issues, or of personnes of suche lande hee shall leese. xl. li. And if the olde shiriffe bee discharged, the newe shiriffe shal serue the procesle, and not the Coroner, vppon paine of foure pounde if the default bee founden in him touchyng the tourne of other personnes by him empa-

nelled

nelled whiche haue not landes to the yerely value of ten pound or to returne such issues as the Coroners bee charged with. And bailiffs of liberties are bounden for to impanel sufficient persounes, as aboueis sayde vppon peine to leese forty pound in case that suche persones may be found within his bailiwike. 2. H. 4. ca. 8.

¶ Bailliffes of fraunchises ought to make their returnes, and aunswer vnto the shyriffe vppon his precepte made vnto them in a speciall writte of assise. vi. daies before the day of the session vpon peine to forfait. xl. li. for euery time y they shall do the contrarye. 6. H. 6. cap. 2.

¶ Where a precept is made to the shirift by Justicers of the peace to retourne a panel to enquire of forcible entre, and hee sendeth his precepte to the bailliffe of the libertye to retourne the panel because the ryot was done within the lybertye, nolw is the bailliffe bounden to make due retourne and erecucion of the preceptes to him directed vppon peyn of twenty pound for euery defaute. And the estatute wyll that the shiriffe shall retourne twenty shillings in issues vppon euery Jurrour at the firste daye, & that euery Jurrours

which

which shal passe in the inquire, shall spend
xl.s. yearely, whereby it semeth that baillif
of liberties are bounden to do likewise, if
many of the said iurrours bee win his liber
tie for els he is not 8. H. 6. cap. 9.

¶ Baillifes of liberties in attaint vpon pl
of lande of the yerely value of xl.s. or mor
nor in attayntes for deedes concerning lan
des of value, nor in attayntes vppon pers
nall actions wherein the recouery extende
vnto forty pounde or more shal not retour
or impanel any persons in suche inquestes
but those that be dwelling within hys bay
liwike and that haue estate to theire own
vse in landes or tenements for terme of li
to the yerely value of twenty pound or mor
wythin hys bayllywike oute of auncient de
mesne and the fiue ports and at the first do
of the distresse retourned shall retourne n
lesse issues in suche actions of attainte tha
xl.s. and at the seconde dystresse a hundr
shilligs. And the double of euery other dy
stresse vppon the persones so impanelled an
retourned. And if he do the contrary, he shal
pay tenne pounde to the kyng and asmuch
to the partye 51. Henrici sexti Capitul
quinto

¶ Baillifes

¶ Baillifes and other the kinges officers may arreſt thoſe ſouldiours that come from the ſee and ſhewe not letters teſtimonyall from their Captaines that theye haue lycence them. And they ſhall keepe them vntyll they haue inquired whether that theye haue licence or not, and if they haue no ſuche lycence, then ſhall they bee puniſhed as felons 18.H.6.cap.19.

¶ No bayllyffe of a lybertie (vppon any precept to him directed to retourne the pannell of anye inqueſt) ſhall in the ſame retourne anye bayllyffe officers or ſeruauntes to any officers abouelayde, nor ſhal take any thing by them ſelfe or by anye other of anye perſonne by them arreſted or attached to theire owne vſe or auaile, or of anye other perſone for anye arreſt or attachement by the bodye made by them, or that is arreſted by vertue of theire office, for tyme, fee, fuyte, or priſon mainprins lettynge to bayle, of ſhewynge of anye eaſe or fauour to anye perſone beynge arreſted for theire reward or profite but as is here limitted, that is to wyt for the thirde pt. of the bailliffe that maketh the arreſt. iiij. s. and the gayllour, if the priſoner be commit ted to him. iiij. s. And no bayllyffe of anye

libertie,

libertie, nor Coroner by him selfe nor by o-
ther by coloures of his office shall take anye
thing for the makynge of retourne or panell
and for the coppe of a panell but fower pens
Also bailliffes of liberties shal let out of pri-
son al persons by them arrested or beinge in
their keping by force of any bylle, writte, or
warrant in any action personal, or by force
of anye inditement of trespas vppon reaso-
nable suertie hauinge sufficient within the
bailliwike where they be let to baile to kepe
theire dates in the same places as the same
bille, writte or warraunt shall inquire those
onelie excepted which be in ward vpon anye
condempnation, or be excommunicat, or out-
lawed or arrested vppon suertye of the peace
and vagarauntes that refuse to serue. And
that the sayde bailliffes shall not take anye
obligacion of anye personne, nor by anye
personne beinge in theire warde by course
of the lawe, for anye the causes aboue re-
sersed, but in the name of theire office, and vp-
pon the condicion that the same person shall
appeare at the dayes contejned in the sayde
writtes, billes or warranties, and in such
places as they require. And yf anye bay-
liffe take any obligation in any other forme

by

by colour of his offices, it shalbee voide, and that he shall take no more for the making of any suche obligation, warrantie or precepte by them to be made, but viii.d. And if they do contrarie vnto this ordinaunce in any point for so doinge they shall render to the partye greeued his dammages treble, and shal forfeit for euery time that they do the contrarye xl.li. the one half whereof shalbe to him that will sue in any of the kinges courtes therefore &c. 24. H.6. Cap.10.

¶ Bailifes of liberties ought not to sease the goodes of anye persone arrested or imprisoned for felonye before that they shalbee conuicted or attainted of the same felonye, according to the lawe, or els that ỳ same goodz be otherwise forfaited, vpon paine to forfayt the double value of the goodes so taken, vnto the parties endammaged suing therefore by action of dette, wherein no wager of the law essoine, nor protection shall in any wyse be allowed to the defendaunt primo Richardi secundi. Cap.3.

¶ Bayliffes of liberties that bee gaylers & haue the kepinge of Gailes shall certifie the names of euery prisoner in his gaile that ys there for felonye, at the nerte generall gayle

deliuery in euery county or franchise (where such gayle is) to bee kalendred before the iustices of the same gaile deliuerie vpon paine to forfeit for euery default there recorded. C s. An. 3. H. 7. ca. 3.

¶ All Bailiffes and other head officers, and euery of them fynding or knowing any person vsing or exercising any vnlawfull games contrary to the statutes, haue power to committ euery such offendour to warde, & there to remaine in prison without baile or mainprise, til suche time as he bee bounde by obligation in such summe, as discretion of hym that taketh the bound semeth reasonable, to the kinges vse, that hee shall playe no more. An. 6. H. 8. ca. 2.

¶ All statutes made againste Shiriffes vnder Shirifes, Bayliffes, or other ministers for making or retourning of panels, or Juries, or for due execution of serving of writs or other proces or for taking of fees or for ỹ reformation of extortions or for anye other thing concerning the office, and all paynes conteined in euery such estatute, shalbe extended to all Stewardes, Bayliffes and other ministers, and officers of liberties & fraunchises, hauinge retourne of writtes and execution

tution thereof in like maner as they extende to shirifes, their vnder shirifes, Baylyffes nor other ministers, sauinge that the Baylliffes, and officers of liberties may occuppe theire offices for as longe time as they shall bee geeuen vnto them. Anno.27. Henrici.8. capitul.23.

¶ *The offyce of Escheatours.*

E shall enquire of Escheatours, if they haue duely executed theire office and yf they haue taken anye more for doinge thereof then they ought, or if they haue committed and done anye extortion or oppressiō vnto the kynges people by colour of theyre office. And therefore ye shall vnderstande, that no Escheatour ought to medle or inquire for the king but in case where the king of righte ought to bee entitled and haue the lande or thinge that is founde for him by the enquest, for if one holde of the king as of hys duchye of Lancaster by knightes seruice and dye, his heire boinge within age, the kynge ought to haue ẏ warde of the heire, & ẏ land

And yet in that case if the eschetour fynde it by office, hee shal haue nothing for the fynding therof, because the tenaunt holde not of the king in chiefe as of his crowne. And therfore the king maye enter and sease the lande and the heyre without office, and may grant it. In like maner if the Escheatour fynd by office that one dyed seased and holde of other lordes and not of the kyng by knightes seruice and that he is dead and his heire within age. The Escheatour shall demaunde nothing of right for fynding of suche an office. And so if he fynde an office that one died seased of such a manour in fee, and holde of the kig as of such an honour or Castel by knightes seruice, & his heire within age: yet ought not the Eschetour to haue anye fee or duitie for the fynding of that office. And if hee take any thing therfore, it is extortion whiche is well proued by a writte of *Diem clausit extremum*, the woordes whereof are these *Quia Georgius Er. qui de nobis tenuit in capite die quo obiit, diem clausit extremum vt accepimus ideo tibi precepimus &c.* wherby it appeareth that if one holde not of the king in chiefe, the Eschetour ought not to haue the fee of xl s. for fynding of the office. And if hee take it in

that

that behalfe, it is extoꝛtion.

And in aſſiſe, if the defendant ſay that the landes are ſeaſed into the kinges handes by the eſchetour, and the Eſchetour being there preſent and examined by the Juſtices thereupon do confeſſe that he hath ſeaſed the landes into the kinges handes, where in deede he hath not ſo done: in this caſe the Eſchetour doth wꝛong to the pleintife, which may haue no accion vpon his caſe againſt the eſchetour foꝛ his falſhed, & foꝛ the delaye that he hath ſuſteined thꝛough that confeſſion by ſuing to the king foꝛ a Pꝛocedendo.

None ſhalbe ſubeſchetour onles he haue ſufficient landes in thoſe places where he is officer to aunſwere to the king and his people in caſe that any wil complaine agaynſte them. Anno. 4. Ed. 3. Ca. 9. Anno. 5. eiuſdem. Capitul 4.

¶ The Eſchetours ſhalbe choſen euery yere as the ſhiriffe ſhalbe, and by the ſame perſõs that choſe the ſhirifes. And that no eſchetour ſhal abyde in his office aboue one yeare. An̄ 8. Ed. 3. Cap. 4.

The Eſchetour ſhall not do waſte in Byſhoꝛikes, and other places, during the vacation of them, neither ſhal ſell vnderwoods

nor chase in parkes or warrens, nor fisshe in pondes or free fisshinges, nor maye take no fines of anye tenementes free nor bond but shal cause them to bee kept and saued wythout doinge dammage or anye maner of oppression. An. 24. E. 3. Ca. 4.

So by this Statute it appeareth that it appertaineth to the office of an Escheatour to sease the temporalties of Archebisshoppe-rikes, Bysshoprikes and abbeies of the king in foundation during the vacation of ỳ same and to take the profites, and to accoumpt for them to the kinge in the Escheaker: Howbeit there is an other statute made in the same yeare, the effect whereof is, that if the Deane and Chapter, Prior or Suppriour wil take temporalties to ferme, payinge the value according to the remembrances in the Escheaker that they shall haue them before any other. And by another statute made ỳ same yere. Ca. 5. the Chauncellour or Treasorer of the Escheker taking to them such other of the Councel, as they shal think good shal lease the vacations of Archebisshoprikes Bisshoprikes, Abbeies, priories & other houses of religion (thadnoydance wherof belong to the king) the Dean & Chapiter, Prior or

Sup-

Suppriour, Priors or Suppriores and Co-
uent at a certeine rent to paye by the yeare,
quarter, or moneth, during the vacations as
they shal thinke beſt without making fyne.
And neither the Eſchetour nor anye other
officer shal seeke cause or matter, to enter, or
to medle, or do any thinge in preiudice of the
churche, Sauing to the king and his heires,
knightes fees, aduowſons, Eſcheates, war-
des, mariages, reliefes, and ſeruices to the
ſaide fees belonging. In witnes whereof the
King caused his letters patentes to be made
therof dated at Weſtm, the eight day of A-
prill the yeare aboue mencioned, whereby it
appereth that the autoritie aforeſaid to make
leaſes was greuen to the Chaunceler & the
Treaſorer by the kinges letters patents. &c.
Anno. 14. Ed. 3. ca. 6.

¶ Theſchetours and other the kinges mi-
niſters muſt accompte in the Eſcheker after
this maner, that is of lands and tenements
whereof profyte aryſeth from time to tyme
throughout the yere as of Milnes, herbages
toll, plees, profites of courtes or ſuche other
illues and profites, they shalbee bounden to
anſwere the king for the rate & value of the
time according to ỹ old courſe of theſcheker.

And touchinge auncient fermes and rentes that are to bee paide at certeine termes, as Rent ſecke, and rent ſeruice wherof no profite aryſeth vntill the daye of payement ſuch rentes and fermes ſhalbee payde vnto them that haue liuery therof out of the kynges hād at the termes of payment of the ſaide fermes and rentes next folowing ſuch liuery made as well for the time paſſed as ỹ time to come An. 28. E. 3. ca. 4.

¶ The king and his progenitours haue ben ſeaſed of forfeitures of wardes tyme out of mynde that is as well of landes and poſſeſſions as of goodes and cattelles. And by colour thereof the Eſchetours by theire office haue ſeaſed manye landes and tenementes as forfaites to the kinge ſurmyſinge treaſon in ſome perſonnes being dead at the tyme of the ſeaſer, whiche neuer were attainted in there liues, the king hath ordeined touchinge ſuch forfaitures that fell in the tyme of hys graundfather or before, that ſo ſoone as any inqueſt thereof ſhalbee retourned into the Chauncerye by anye Eſchetour other than hath power to enquire thereof, the tenaunt ſhall not bee put out of poſſeſſion, but ſhalbe warned by a Scire facias to appeare at a

certeine day for to aunſwer vnto the ſame, if he will. And if no ſuch forfaiture bee founde the kinges hande ſhalbe cloſed, ſo that in all other caſes of forfeitures of treaſon by perſonnes deceaſed not attainted, nor iudged in their liues, their heires nor lande tenauntes ſhal not be challenged nor empeched of anye other forfaitures, but of thoſe only that hath bene iudged in time paſſed afore the death of certeine perſons, by preſentment in Eyre or in the kinges benche as of felons, of ȳ king and other. And therefore it ſemeth that if one moue warre againſt the king in his realme, and is ſlaine in the ſame then the Eſchetor may ſeaſe the landes and tenements, as forfaiture of warre without any other enquery to be made therof.

¶ Euery Eſchetour muſt take his inqueſts of office of good and lawfull men ſufficient of inheritaunce and of good fame and of the ſame county where the inquire ſhalbe made. And the inqueſtes ſhalbe indented betwene theſchetours and the Iurrours, and if it bee otherwiſe done they ſhalbee voide and they ſhalbe take in good townes openly.

¶ Trauerſe may bee taken to theſchetoures office whereby any alienacion or dying ſeaſed,

sed, or that the heire is within age & the land holden of the King in chiefe is found.

¶ Landes seased into the Kinges hands by reason of warde shalbe kepte without waste and the escheatours shall haue no fee of bentson, fish, nor other thing but shal answer the Kinge of the yssues and yerelye profites and ryssinge of the sayde landes without waste. And if hee do otherwise, then to make fyne at the kynges will, and to paye treble damages at the suite of the heire as well within age, as of full age. And if hee bee within age, his frendes shall haue the suite of him answering to the heire of that, that so shalbe recouered of him. Concerning other landes seased into the kynges handes by inquest of office by the eschetour this forsaide ordinance and punishment shal holde place against the eschetour. And if any make claime to landes so being seased the escheatour shall retourne an inquelte into the Chauncerie within one Moneth after suche seaser, so that a writte be deliuered to him to certifye the cause of the seaser and there shall the partie bee harde to trauerse the office, or otherwise to shewe hys ryght. And the Chauncellour vpon his owne discretion (if he se cause) may sease the landes

to

to the tenaunte payinge to the Kyng the value if it belong to the Kinge so that he fynde suerties that hee shall do no wast vntill it be aiudged. And the Escheatoures shall take theire Inquestes in good townes and by honest men openlye by Indenture to bee made betwene theschetour and them of the inquest and if he do contrarye to this ordinance then to haue two yeare imprisonment, & further to make fine at the kings pleasure. Anno.36 Ed.3.Cap.22.

None shalbe Eschetour if he haue not. xx. li.lande at the leaste or more in fee and that they execute theire office in proper person. And if he bee otherwise, then to bee put out, wherby it appeareth that the Subeschetour cannot inquire nor fynd office. an.12.E.3.c.5.

¶ Escheatours nor commissioners, shall not take inquest, but by those that be empaneled & retourned by the shiriffe, & if they do otherwise & be cōuict by examinatiō or otherwise at the suite of the partye or of the kinge, or any other person that will sue, they shall incurre ẏ paine of xl.li. ẏ moite to him at whose suit they shalbe conuict. And ẏ no lādz seased into the Kinges hands shalbe let to ferme by the Chancelour vntill the inquest and ver-

dites

dytes be retourned into the chauncerye and by one moneth after the same retourne, except it bee to the partie greeued whiche was put out of those landes by the inquestes and will offer to trauerse them and shewe good euidence, and fynde suffycient suretie to sue his trauerse with effect, and to paye to the king the yereye value of the landes if it had to be discussed for the king and if any letters patentes of any landes or tenementes to the contrary be made to any other persone then to him that offereth to trauerse or bee let to ferme within a moneth nert to the said moneth of retourne they shalbe voide, and holden for non. An. 8. H. 6. ca. 19.

¶ Escheatours and commissioners shall retourne the inquestes taken before them into the chauncerie or in theschequer within one moneth nerte after the takinge of the same, vpon payne of rr. li. the one moitie to ỳ king the other to him that will sue. Anno. 8. H. 6. Cap. 19.

¶ And if any Eschetour take anye office before him, and do not retourne the same into the Chauncerie or theschekier within the moneth nerte after the takinge thereof hee shall incurre the paine of rl. li. forfait by the statut made.

made. Anno.8.H.6. and further ſhalbe boun den to paye to the king as much as he is en damaged by the not retourning of the ſame and that the Chauncellour of England cal lyng to him the Treaſorer of England may leaſe ſuch fermes for the due execution of the ſaide eſtatute. Neuertheleſſe it appeareth that the ſame eſtatute geueth but xx li. of for fait againſt Theſcheatour or commiſſioner therefore ſerche for the true recorde of bothe the ſtatutes. An.18.H.6.ca.7.

¶ Eſchetours muſt take theire inqueſtes of office by vertue of the writte of *Diem clauſit extremum* and all other writtes within one moneth after the receipt of the ſame, & that ſuche inqueſtes bee taken in good townes & open places. And that none of them priuilye nor openly by himſelfe or by other take any thing for the execution of ſuch writts in one county aboue the ſumme of vi.s. viii.d. or xiii s. iiii. d. or vnder with his labour and hys coſtes ſo that the ſumme that hee hath taken all together excede not aboue xl. s. for the ex ecution of any ſuche writte in one countye. And if he do contrarye to the premiſſes then to forfait the ſumme of xl. li. the moitie to him that wil ſue for the king and himſelfe.

An.23.H.6.ca.17.

¶ None shalbe eschetour, if he haue not lan-
des or tenementes to the value of xx. pounde
within the county for terme of life nor in the
county where he is Escheatour, nor no Es-
chetour shal let his office to ferme nor make
deputie (other then he will at his perill an-
swere for) whose name hee muste certifie by
his letters patentes to the Tresorer & Ba-
rons of thescheker for the time being within
xx.daies after suche deputation made & that
no such deputie take vppon hym to occupy in
the sayd office onelesse theschetour haue lan-
des tenementes or rents to the perely value
of xx.li.as before is saide. And if anye person
do contrarye to the premisses or anye of them
then to forfait for euery default xl.li. the one
moitie to him that will sue, and the other to
the vse of the kinges house by action of dette
where no wager of law elloigne, or protec-
tion shal lye. An.7.Ed.4.ca.9.

¶ No shirife escheatour nor other personne
shall sease or take the goods of any personne
arrested or imprisoned for felony before that
the same person so arrested or imprisoned be
conuict or attainted of the same felony accor-
ding to the lawe of Englande or ẏ the same

goodes

goodes ſhall bee otherwiſe forfayted vppon peyne to forfait the double value of the goodz taken to the partye dammaged ſuyng therefore by actiō of dett where no wager of law eſſoine nor protection ſhall lye, anno primo Ric.3. Cap.3

¶ If any Eſchetour or commiſſioner put in to anye of the Kinges courtes anye inquiſition or office concerning landes or teneñtz or other hereditaments, not founde nor preſented by the othes of xii. men, and indented & by them ſealed then to forfeit for euerī ſuch offence retourned, & put into any of the Kinges courtes one C.li. to ỳ party greued. Anñ 3.H.8.cap.2.

¶ No eſchetour nor other commiſſioner ſhal ſyt by vertue of anye of cōmiſſion to enquyre of landz & tenemēts, except he haue landz teneñts or hereditamñts, to the yerely value of xl. markz ouer all charges vpō peine of xx.li.

¶ The Eſchetours and commiſſioners ſhalbe diſcharged by theyre othes that they may not diſpende xl. markes ouer al charges and that vppon proces made againſte them out of the Eſcheker. The Eſchetours and commiſſioners ſhal ſytt in open places & ſhal ſuffer euery plō to geue euidēce openly in their

pre-

presence to the inquest taken before the [illegible] paine of rr. li.

¶ The Jury shal receiue the counterpayne of the indenture that shabee presented, indented, and sealed, by the Escheatour or Commissioner and to rest in the possession of the firste man that was swore in the same Jury vpon paine of euery person that shalbe swore rr.s.

¶ And euery Eschetour and Commissioner after that the Jury is swore and readye to geue theire verdite, and offer to present the same that the same Escheatours or Commissioners, or parte of them shal receiue the same verdite without further delaye vppon paine of a C.li. and deliuer the counterpaine of the same indenture to the Jury in fourme beforesaide vpon the same payne.

¶ And if the Clerke of the pettie bagg or his deputie will not receiue such officers, & put them into the files to remayne of recorde within iii. dayes after it bee receiued or offered to be receiued, he to forfeit for euery such default xl. pounides, and the Commissioner and Escheatour to be discharged of the penaltie of fourty pound limitted by the statute for not retourning of the same offices, or inquisitions within

within one moneth.

¶ And like laiwe and penalty to be againſte the officers in the kinges eſcheker whiche ought to receiue ſuch inquiſitiō, for refuſing ſo to receiue them. And the commiſſioners and eſchetours to be diſcharged of ẏ penalty for none retourning of the ſame inquiſition ſo that the ſayd eſchetours or commiſſioners at any time after the moneth of ſuche office before them foūd or before any of them with an other moneth then nert enſuyng returne the ſayd office into the Chauncery, or eſcheker as the caſe ſhal require, and the clerke of the pety bag to certifie ẏ tranſcript of euery ſuch office taken before any Commiſſioner or eſcheatour into the eſcheker the nert term folowyng the reſceit thereof, vpon paine of C.s. for euery ſuch defaut.

And no man be compelled to occupye the office of eſcheatour by any patent ouer one whole yeare and that hee that is once eſcheatour ſhal not be eſchetor againwithin three yeres nert after ẏ ſaid whole yere ended.

If any eſcheatour exercyſe his office by reaſon of anye patente ouer the time of a whole yeare ended or be made Eſcheatour within three yeres after, then after the ſaide whole

yeares ended this patent so made to be voyd and the party greued shal haue his recouery of euery of the saide forfaytours of one hunbreth pounde by action of dette where no wager of lawe essoygne nor protection to bee allowed. There be dyuers prouysions made for diuers eschetours in cities & boroughes & in diuers counties.

¶ And if the landes or tenementes of anye manne bee seased in the kinges hande by vertue of anye office found before the eschetour or commissioner or by reason of any other recorde founde in the chauncery, or thescheker, and hee that so is put oute of his landes by reason of suche recorde, or office so founden come and trauerse that record and office and it is founde for him whereuppon hee hathe hys iudgement that the kinges handes bee closed and amoued, nowe if it so bee that therebe another recorde or office founde remaynynge amongst the kynges recordes whiche is not trauersed nor cryed yet shall not ẏ eschetour sease the lands againe in the kynges handes by reason of that recorde beynge founde and not trauersed.

And yf hee doo then dothe hee, wronge and extorcion, and the partie that is put out shal

haue

haue assise againste him, and shall recouer double damages againste him. But in thys case the kynge muste sue a Scire facias agaynste him that hathe the landes out of his handes vpon this other recorde of office that was not trauersed beefore. Thys is geeuen by the statute Lincolne called the statut of escheatours.an.19. E.2.

¶ And if thescheatoure by collour of hys office without warrant or aucthoritie of the lawe that belongeth to his office dissease any manne of his landes or tenementes the partye that is disseised, shal haue an assise of Nouell disseison, and shall recouer double damages agaynste thescheatour. Westminst. 1.cap. 26.

¶ The escheatours hathe no power to amercye anye manne that appeareth before hym and misdemeaneth him selfe or if the iurrors that bee sõmoned to appeare before do make defaute, hee shall recorde suche thynges in rolle and shall not amercye the Jurrours, but hee shall send the same record to the Justices in eire or to the Justices of assise, when they come into the countrey.

¶ It shalbee lefull to the Shirffe, Justice of peace and escheators to sease to ẏ kyngs vse

all

al ſuche goods and cattels that ſuche perſons as come within this realme that bee called Egiptians haue, and therefore to make accompt to the king in his eſcheker, and to retaine and keepe the moity therof to his owne vſe and accompt for the reſidue, & to paye no fee for the accompte, nor for hys diſcharge thereof.

¶ *The office of Conſtables.*

FOrasmuche as the office of a Cõſtable was an office at the common lawe of longe continuaunce and was firſte ordeyned for the conſeruacion of ỹ kings peace to be had and kept in euery towne among the kings ſubiectes there dwellynge somewhat shalbe ſpoken. And how farforth their power dooth extende, and what penalties are prouided againſt them, for not executing theire offices.

¶ *Who were conſeruators of the peace at the common law*

IT is now to be ſeene for the conſeruacion of the peace what perſons by the common

lawe

lawe had aucthoritie therein before the ma-
kinge of the estatutes whereby Justicers of
the peace are ordeined. And it seemeth that
by the common law diuers persons were cō
seruatoures of the peace for at the common
lawe there was one person which is called
chiefe Justice of Englād to whom the king
committed his aucthority in the ministraciō
of Justice for things touchinge his corone, &
for the conseruacion of his peace among hys
subiects throughout al his realme. And that
is prouided by the writ which the kinge sen-
deth to him that he shal hold his place in the
ministration of Justice to his subiects in the
forme abouesayde thorough out al his realm
whereby it doth appeare that the same chief
Justice is high conseruatour of the peace tho
rough out al the counties of Englande, and
in euery part of the realme where hee goeth
Also there be other persons conseruatoures
of the peace thoroughout the realm, as ẏ ste-
ward of England, the Marshal and ẏ Con-
stable of England. Also the constables of e-
uery towne were and be kepers of the peace
by the common law likewise the highe Con
stables of hundredes, Wapentakes, lathes,
or tithings were and be conseruatours of ẏ

peace by the common law, within the towi
nes or hundredes, and within their limittes
And before the makyng of the statuts, wher
by Justycers of the peace are ordeyned, the
kyng by his commission made conseruacion
of the peace in those counties & places (wher
him thought best to keepe his peace. And the
auctho*r*itie which conseruatours of the peas
had by the common lawe, is the same aucto-
ritie that a constable of a towne or wapen
take hath at this daye, the which I shal part
ly touch. If one make assault vpō ẏ cōstable
ẏ cōstable may defend hym, & may take hym
and commyt hym to the gayle, vntil he haue
founde suertye to keepe the peace, though
that the assaulte weare made vppon himsel
As it appeareth Michaelis quinto Henri
septimi, in the Barre muche more then yf
constable see one makynge assaulte vppon
straunge person he maye take him, and com
myt hym to pryson, or to the gayle vntyll h
haue founde suerty to kepe the peace.

And if one man threate another wherc
pon hee that is threatened commethe to th
Constable, and shewethe hys matter an
prayeth hym to compell hym that so threat
ned hym to finde suertye: in this case the c

stables

stables and the partye that is threatned may go, and compell him that so dyd make suche threatnynge to finde suertye to make the peace and yf he will not theye maye commit hym to warde vntyll hee hathe founde suche suertye as you maye see Michalis decimo quarto Edwardi tertij, in the tytle of Barre.

¶ And if one be striken in parell of death yt is the office of the constable of the towne to arrest the offendoure, and to keepe hym in prison tyll hee bee knowen whether the party so strykē will lyue or dye or vntil he hath found suerty to appeare before the Justicers of gaile deliuery, or at such time as he shalbe called vpon to appeare beefore the Justicers at their discretion.

¶ And if one flye for felony it is the offyce of the constable of the towne to sease hys goods and to kepe them and if they happe to be impayred in his keping he shal aunswer for thē to the king. 2. E. 3. in the Eire of Northampton. But by the statut made. 1. R. 3. ca. 3. that is chaunged. And if felons or murderers bee in ỹ towne & the constable haue knowledge thereof it is his office & duty to assemble people for to take them.

And if one take a felon in the towne & bring him to the constable to be conueied to ỳ gaile the constables office is to carye him thither & to cause other of the town to ayde and assyst hym in so doing.

And note that constables weare ordeyned for two intentes, that is to wit, to keepe the peace, and also to repelle felons to take suerty by obligacion of such persons as they shal finde making affraies.

¶ It appertayneth to the office of the chyefe constable of England to haue conusaunce of deedes of armes and contractes touchynge dedes of armes and of war out of the realm and in like manner all thyngs touchyng armes within the realme which can not be determined by the common lawe as it appeareth clerely by ỳ statut made the.13. yeare of R.2. cap.2.

Also it appeareth by the statute made An. 1.H.4. cap.14. ỳ all appeales to bee made of thyngs done out of the realme of Englande shalbe tried and determined before the Constable and Marshall of England for ỳ tyme being.

¶ Also when battayle is ioyned in a writ of right or in appeale that shal bee detained be-

for the constable and Marshal, howbeit the Justices must see the battaile doone because ỹ they be properly Judges therof and not ỹ constables nor the Marshal.

¶ And the constables haue many other authorities aswel by the common law as by ẽ statutes made the which you may se there.

¶ In.7. E.4. it is said that Wardaines of the peace at the common law may inquire of cõgregacions and vnlawfull assembles, and of disseasen with force but not do entrees wt force. But nowe by the statute if one entre with force or of disseasen wyth force or entre peasablye, and kepe possession with force the Justices of peace maye make restitucion of the party, and put him in possession by their writ directed to the shirife.

¶ Constables in the townes wheare theye beare office may arrest men that goe or ryde armed in faires, or markettes by daye or by night, and take their armour as forfait to the king and imprison them at the kinges pleasure. An.2. E.3. at Northampton.

¶ The kings purueiors ought to make their puruetance for the kings house, by the cõstable, and fower honest men of the town wher such puruetãce shalbe made without threa-

tynge

tyng. And in presence of ẏ constablez. Tailez shall bee made and sealed wyth the seales of the takers, betweene the sayde takers, and the parties of whom the gooddes bee taken. And yf anye taker make his price otherwise it shall bee done with him as wyth a theefe. an.22 E.3.cap.1.

Constables of townes muste arreste suche as passe by nyght, of whom suspection is had and deliuer them to the Shyriffe, there to remaine in warde vntill they bee duely deliuered. Also they muste arrest such as be called robberdes men, whasters, and drawlatches (yf suspectyon bee hadde of anye suche) bee it by nighte or daye, and delyuer them to the shyryffe vntyll the comminge of the Justycers of Gayle deliuery. an.quinto E.3. capitulo 14.

It is ordeyned that none shall take for threshyng a quarter of wheat or corne aboue two pence halpeny & for a quarter of barley, beanes, peaze, and otes three halpens yf so muche haue been vsed to bee geeuen, and in the countrey where they vse to repe by the shefe, and thresh by the bushel, they shal take no more nor otherwise. And that suche labourers and other seruaunts shal make an othe

two

two times in the yeare before Lordes, Stewardes, Bayllyffes, and constables of euerye towne, to do and keepe this ordinaunce and that none of thē shal go out of the towne wher they dwelled in Winter, for to serue in sommer (if he can haue seruice in the same towne) sauynge to the folke of the countyes of Staffordе, Darbye, Lancaster, Crauen, and the marchēs of Wales, their free liberty to labour in other counties, in the time of August. And theye that refuse to make suche othe, or to performe that thing that they haue sworne and taken vppon them shalbe put in the stockes by the sayd Stewardes, bayllifs Constables of townes by the space of three daies or more, and shall be sente after to the nerte gaile, and there to remayne vntil they wyll bee ordered, and that there bee stockes in euerye towne for the same intent. And the Stewardes, Bayllyffes, and constables shall make othe before Justicers assygned to enquire diligently of them that offende agaynst this ordinaunce, and to certifie their names before the same Justicers when they shall come into the countrey to keepe theirs sessiōs vpon which certificat made the same

Justicers

Justicers shall cause them to bee attached by their bodies to appeare before the sayde Justicers, to aunswere vnto such contemptes, so that if they be attaynted they shal make fine and raunsome and further to be commaunded to prison vntil they haue found suerty to serue in maner abouesayde. And the Justycers at enery time that theye shall come into the countrey shall inquire of stewardes baylyffes, and constables whether theye haue made good and lawefull certificat or haue concealed oughte for anye gyfte, procurement, or affinitie and shall punyshe them by fine and raunsome yf they bee found gyltye. Anno vicesimo quinto Edwardi tertij cap. 2 & octauo.

¶ Constables of townes where as faitours or vacabonds resorte haue power to examin them dylygentlye, and compel them to find suertye of their good behauiour by sufficient mainpernours distreinable in case that anye defaulte be founden in suche faytoures, and vacabounde. And yf they cannot finde such suertye then to bee sent vnto the nert gaile there to remayne vnto the commynge of the Justicers of gayle deliuerye, whiche haue auctoritye to doe wyth suche faytours and

vacabōds

vacabounde as theye shall thynke beste to be done by the lawe anno primo Richardi secundi cap.5.

¶Constables of townes maye arrest anye seruaunt labourer commynge to the towne from anye place bagarmt onlesse he haue a letter contaynynge the cause of hys goynge and the time of hys returne vnder the kings seale that there to shalbe assigned and delyuered to the custodye of some honest manne of the hundred Wapentake, city or borough accordynge to the discrecyon of the Justyces of peace. And the constable maye putte hym in the stockes, and keepe hym vntill he haue found suertye to retourne to his seruyce or to serue in the towne frō whence he came, vntyll hee haue a letter to departe vppon cause reasonable. Anno.12. Richardi secundi capitulo tertio.

¶Constables haue power to arreste seruaunts and labourers that beare about thē hangarde, dagger, or knyfe, and to seale the sayde weapons as forsayt, and them to kepe vntyll the Sessions of the Justices of peace beefore whom theye shall present such weapons with the names of them that bare thē except that theye trauaile in the countreye

on their

on theyre maisters message. Anno.14. Ric.2 Capitulo.6.

¶ Shyriffes and other the kinges ministers maye take the power of the Countrey to represse assemblies, and ryottes in outragious nomber, and to committe them to prisone. Anno.17. Richardi secundi. Capitul' octauo. It seemeth by these woordes (the kinges ministers) that Constables of townes ham power to doe so by thys acte as well as the Shiriffes.

¶ Constables maye arrest seruauntes, labourers, and imprison them by the space of syre dayes whiche vse not bowes and arrowes vppon Sondayes and such other Festiuall daies which will not leaue vtterlye all playinge at the balle aswell with hande as with foote & other games called coites, dyce, casting of the stone, keiles, and all other like importune games. Anno.11. Henrici quarti. Cap. quarto.

¶ Constables and all the kinges liege people that are able to trauaile within the countrie must bee assistinge and aydinge to the Justycers of peace & the Shiriffe to represse great ryottes, and vnlawful assemblyes vppon paine of imprisonment and to make fine

and

and raunsome. Anno secundo. Henrici quinti cap. 8.

Constables shalbee made in euery partye of the marches of Wales, and market townes to enquire, serche and arreste suche personnes that carye vitaile or armour to anye parte of Wales without the kinges lycence which constables shall haue the 4rt parte of the forfait for their trauelle. Anno quarto H.4. cap. 26.

Constables of porte townes (where souldiours that haue beene retained in wages to serue in warre beyonde the sea or vppon the sea and departe from their Captaines, and tourne backe, & arme in anye porte of Englande, without licence of theire capitain vnder his scale) maye arreste suche souldiours, and kepe them vntil enquirie be made of the, and if it maye bee proued by enquirie before Justicers of the peace, and proues that they haue mustred of recorde and departed from theire capitaine (as beefore is saide) without licence, then they to be punished as felons. An. 18. H.6. Ca. 19.

The Constables, Tithingmen, & chiefe pledges of euery town must assist & aide the owners & sellers of any goods where ỳ kings pur-

purueiours wil make theire purueiaunce, or bargaine of any goods to the value of foure shillings or vnder of any person, and wyll not pay preſt payment in hande: in whiche case it shalbe lawfull to euery one of the kinges lieges, to retayne them, and to reſiſt such purueiours, and not to suffer them to make any such purueiaunce. And yf the constable Tithyngman, or chiefe pledge bee requyred to ayde or assyst anye man, in makyng such reſiſtence and he refuse it, he shal pay to the party greued the value of the thyng so taken by action of dette with the damages to the double. An. 20. H. 6. ca. 14.

¶ Constables maye arreſt purueiors or buyers of any lord or other persone (except purueiours for the kynge and Queene) whiche take anye vitaile or cariage againſte the will of the owners, and to commit them to the nerte prison of the kinges there to remaine without baile, and mainepriſe, vntill they haue delyuered al the sayde vytailes, or cariage, and other thinges so taken. And yf the Constables do otherwise when they bee requyred theye shall forfayte twentye pound, The moytye to bee to the party from whom the goodes weare taken to bee recouered

by

by action of dett wherein the defendant shall not wage his law. Anno 20. H.ca.13.

¶ Clothiers shal paye to carders, spinners, and other labourers lawful money for their wages. and carders fullers, and other labourers shall do theire duttie vpon payne of double dammages. And the Constables of the hundred or Constable may heare and determine the complaintes of euerye suche clothier and labourer as well for none paymēt of the said wages of labourers as of the said forfaitures and dammages by due examination of the parties in that behalfe, and further for none payment of the said dueties forfaitures and dammages to committ the trespassours to the next gayle in the same counte vntill the said duities forfaitures & dammages be duely payed vnto the saide labourers or clothiers. An.4.Ed.4.ca.1.

¶ Euery highe Constable or petye Constable shall take or cause to bee taken all vacabondes, vyle people and suspecte persons lyving suspiciously & sett them in the stockes & there to remaine by one daye and one nyght and to haue none other sustenance but bread and water & then to auoide the towne where they were taken into suche place or hundreth

where they were borne or where they last dwelled by the space of three yeares. And if eftsones they be taken in such defaulte then they to be set likewise into the stockes by iii. dayes & three nightes with like dyet. An. 19. H. 7. cap. 12.

¶ Constables and other heade officers and euery of them fynding or knowing any person vsinge or exercysinge any vnlawful games, as tenes playe, bowles, clashe, and all other vnlawfull games prohibited by many statutes shall haue full power to committe euery suche offendour to warde, there to remaine without baile or mainprise, till suche time hee or they so offending be bounden by obligation to the kinges vse in suche sum as by discretiō of ỳ same officer shalbe thought reasonable, that they from hence forth shall not vse any vnlawful games. An. 6. H. 8. c. 2.

For wages for boatmen, and for their barges or boates, or for a barge from Lōdon to Graueſende. iii. s. or els euery persone & his male. ii. d. From London to Ereth, Greenewiche, Grastorroke, or Purflete vii. d. or els for euery person and his fardel. i. d. so it passe not twelue pence. From London to Wolwiche viii. d. for a boate or wherey that is the

tyde

tyde boate, or els euerye persone ob. From London to Grenewiche. iiii.d. or els ob. for euery person and his fardell. From London bridge or saint Mary Queries, or Poules wharffe to Westminster iii.d. or els euerye person a ob. From the black Friers, bridwel and the temple to westminster, or Lambeth, ii.d. with theire males, or els euery person a ob. so that it amount to ii.d. From westminster to Lambeth or Stangate, one ob. for a boate from London to Wotlake iii.d. or els euery person. ii.d. with his male. And from those places aboue named to London for a boate, or barge like summes to bee payde. And these articles to be kept vppon payne to forfeite treble the fare. And Baylifes, Constables & other the kinges officers, next adioyning to the ferryes, vppon complaint to them made, or to any of them that bee greued in ȳ behalf may arrest them and commit them to ward for their misdemeanour, and to make fine for the same. An. 6. H. 8. ca.

¶ By the statute made An. 22. H. 8. how impotent persons shalbe ordered to begge and haue theyre lyuinge. It is ordeined that if any impotent personnes auctorised to beg, do begge in anye other place then wythin the

limittes to him alligned then the Constables and al other the kinges officers shal by their discretion punish all such persones by imprisonment in the stockes by the space of twoe dates and twoe nightes geuinge them but onely bread and water / after that to cause euery such person to bee sworne to retourne againe without delaye to the hundred, rape, Citie, Borough, Towne, parish, or franchise, wherin they bee auctorised to begg in. ¶ And if any impotent person be vagatant and go a begging, and haue such letter vnder seale as is specified by this statute then the constables and all other inhabitaunts within suche Townes or parishe, shall cause euery such begger to bee taken and brought to the next Justice of peace or high Constable of the hundreth and thereupon the said Justices of peace, or high constable shal commaund the saide Constables and inhabitauntes of the towne or parishe, whiche shal bringe before him anye suche begger that they shall strippe him naked from the middle vpwarde and cause him to be whipped within y towne where he was taken, or where the saide Justices of peace or high constable shall appoint and if not then to commaunde suche begger

to be

to be sett in the stockes in the same towne or parish where hee was taken by the space of three dayes and three nightes to haue onelye bread and water and thereupon the said Justices or high Cõstables shall limitte a place to the same begger to beg in. And to geeue him a letter vnder seale in forme before limitted and to swere him to repaire thither immediatly after his punishemẽt executed.

And all other persones beinge whole & mightie in body that do begge, the constable of the hundred, rape, or inpentake wherein such persones shalbe so taken and the Justices of peace or high constable (before whome they shalbe brought) by their discretions shal cause them to bee broughte to suche places where they thinke conuenient and there to bee whipped naked through ẏ towne or market, and then to bee sworne to returne to the place where he was borne or where he laste dwelled by the space of three yeares, and to haue a letter vnder the seale witnessing that he hath bene punished.

¶ Also all persons that abiure to any Sanctuarie within this realme shalbee conuicted thereunto by the constables of euerye township that is from towne to towne til that he

come vnto the same sanctuarye wherevnto he is abiured in like maner and fourme as persons that had abiured this realme, shoulde haue been conueyed to the nerte porte of the sea from ỳ place wher they be abiured vnto the same port by course of the cõmon law before the making of this statute. an. 22. H. 8. cap. 13.

Euerye fermour or owner of landes tenementes, or hereditamentes, where of ỳ yerlye value or rente amounteth to fiue pound, whiche manereth the same shall paye to euerye persone whiche by hys dylygence and labour at his owne costes taketh anye olde crowes and rookes or choughes vppon the same landes tenementes, or hereditamentes of the yerely value aforesayde two pence for euerye twelue olde crowes rookes or choughes, and one penye for fire and one halfe penye, for three olde crowes rookes or choughes. And yf anye fermoure or owner refuse to paye the saide money accordyng as is aforesayde then vppon complainte and proofe made thereof to anye Iustice of peace or highe Constable, the same Iustice or high Constable shall cause the same money to be leuied by distres of ỳ goods & cattels of euery

suche fermour or occupyer of the same landes & tenements. an. 14. H. 8. cap. 10.

Where it is ordeyned by an estatut made in the seuenth yeare of kyng Richard the second cap. nono that he which espieth and proueth defautes in any clothes put to sale contrary to the assise thereof ordeined touchinge clothes and contrary to the sayde estatutes should haue the third part of euery such cloth being defective for his labour by the delyuery of the shirifes if they be present or els of ỳ lordes of the faires and marketes or of stewardes Bayllyffes or Constables of townes where suche defective clothes shall bee found by Indenture betweene them to bee made the which shalbe deliuered euery yere into the scheker at the feast of saint Michael by them ỳ shal make suche deliuery. to thyntent to charge the aunagours, and coillours by whō such maner of defaultes ought to be serched & amended. an. 7. R. 2. ca. 9.

If any persō ship marchādise of ỳ Staple i places suspect adioinig to ỳ colls of ỳ water & maketh no Indētures therof betwene him & ỳ maire or cōstable of ỳ town they shalbee forfait & ỳ king shal haue ỳ moity & ỳ lord of the towne & he ỳ found & sealed such wares,

shal haue the other moitie, and it is lawfull for euerye personne to serue in these causes. Anno, 14. H. 6. ca. 5.

¶ It is ordeined that a horse man shall paye for passage at Douer three shillinges and a footeman vi. d. and the Constable of Douer to punish them that doe the contrarye at the suite of the partie that will complaine, and shall do him right in that behalfe. Anno. 4. E. 3. cap. 8.

¶ *Here foloweth the offyce of the Coroner.*

FOr to declare plainly the office of a Coroner it appeareth by ẏ Statute of Magna carta in the xv. Chapiter that no Coroner ought to holde anye plea of the Corone, but Britton declareth the office of a Coroner in fourme folowing.

¶ First that in euery county Coroners shal be the principal conseruators of the peace, to bere Recordes of all plee of the Crowne of abiurations, vtlagaries and suche like. And the Coroners shall make an othe before the shiriffe in the ful county, that they shal make their

theire inquestes enrollements, and al that to the Cozoners office appertaineth lawfullye, and without asking allowaunce. And if any felony chaunce, oz treason be founde, oz any woman rauished oz poisone broken, oz anye man wounded nighe vnto death, the Cozoner (so soone as he shall know thereof) shall sende to the Shiriffe, and Bayliffes of the places (where suche auenture shall happen) to cause to come before him by a certeine day at the place (where such chaunce befell) foure of the next townshippes and other, if neede be, by whome he shal enquire the veritie, and shall compell the townshippes to sweare vpō the Sainctes to shew the truth of those artides that he shall demaund of them. Then shall the Cozoner and the Iurrours viewe the body, and the woundes, and the strokes and immediatly after such view had, the body shalbee buried. And if the Cozoner fynde the body buried before his comming, he shal recaze the same, neuertheless he shal not omitte to digge vp the bodye, and make it be viewed openlye of the townes. And those Iurours which haue beene summoned, and come not to the inqueries of cozoners shalbe amersed at the commynge of the Iusticers

at

at the first assises in those coũties, so that such defaults be entred in the coroners rolle: so ẏ the coroner shal haue no power to amerce no man for any default.

¶ And when the inquest is sworne the Coroner must inquire if any person were slaine by felony, or by misaduenture, and whether the felony were done within a house or without, & al the circumstance. And after it shalbe inquired who were present at the deede, & who be culpable of the aide, force, commaũdement, cõsent or reiect of such felonies wittingly. And if the Coroner haue any suspection of the first inquest for concealment of ẏ truth or if it be nedefull to enquire better, & by other, then shall he enquire diuers times, and all such as thereof shal happen to be endited, the shiriffes shall take in all the haste, if they maye bee founden, and if not, the Coroners shal enquire who they bee, and who hath withdrawne themselues for the occasion. And the Shiriffe shall forthwith cause theire landes to bee seased, and afterwardes all their goodes, & cause them to be praysed by lawful inquest, and the goodes with the prices shalbe enrolled into the Coroners rol and shalbe deliuered to the towneship for to

be aunswerable therefore vnto the kinge, in case the partie so endited flye and will not stande to right.

¶ And after they shall enquire if hee that is indited did euer fynd suretie to kepe the kinges peace, & the names of his mainpnours, which he shal enter into his rolle.

¶ And if the pleintif wil sue appeale within the yeare and the day then shal he finde two sufficient pledges to the shiriffe of that countye, distrainable within the same to sue hys appele according to the law of the land. And then shal the Coroner cause ẏ appeale to bee entred with the names of the pledges & after it shalbe cõmaunded vnto the Seriant of the county where such felony is done (which as me seemeth is the shirif or his Bailif errãt) that he haue the body at ẏ next countye. And if the Seriant retourne at the second county that he cannot fynd them then shall it bee awarded that the principall bring appealed of the deede. shalbee solemplye called to stande to right touching the same felonye, & so shalbe called from countye to county vntill they come or be outlawed. And if ẏ pleintif make default at anye county, then shall therigent passe vntill the comminge of the Justices of

the kinges benche, or the Justices in Eyre in the countye. And if the principall be outlawed, the erigentes shal go forth immediatly against the accessories and when they shal be outlawed, withdrawen or suspected, the coroner shal enquire at whose fynding such a fugitive hath bene, and according unto the verdite hee shall enrolle, and then enquire of the landes and goods of the fugitife. And if they appere before the outlawrie, they shal be replewable. And if the felonye were done out of ỹ house the coroner shall enquire into found the body fyrst, and he shalbee taken & let go under suretes. And that no Jurrours be removed by challenge of any party. Neyther shal anye Coroner take anye thinge by himselfe, or by other, nor suffer to bee taken by his clerke, for doing his office. And if it be founde that anye is dead by misaduenture, then shal it be inquired what misaduenture, as if it bee founde that he fell from a milne, it shall bee enquired what thinges were then mouinge there, and howe muche they bee woorthe, and so if he fell out of a carte.

And if one fall out of a shippe, nothing shal be iudged the cause of his death but the shippe and the thinges that moue therein, and not the

the marthaundise lying therin.

And the coroners ought to receiue the cõfession of felonies made by prouours in presence of the Shiriffe, who shalbe his Comptrollour in all his office, and such confession he shall cause to be enrolled. And when any person flyeth to a churche, so soone as the Coroner shall haue knowledge thereof, hee shall sende to the Baylife of the place, that hee shall cause to come before him by a certaine daye the neighbours, and foure of the next townesshippes adioining to the churche, and in theire presence shall receiue the confession of the felony. And if the fugitife pray to abiure the realme the Coroner shall doe that the which to his office belongeth.

¶ Also hee shall enquire of rape, and all the circumstaunce, the Appeales whereof with all other appeales of robbery felony, & suche like, he shal cause to be entred in his roll.

¶ Also they shall enquire of treasure found, of wreckes of the sea and of Sturgions, and of Whales taken, and who were the takers whose names they shal enrolle and let them go by mainprise. And suche thinges as shall happen to be founde they shall safelye keepe to the kinges vse and the Shiriffes, and bay-

liffes,

lyffes, shalbe alwaies attendant vpon them & theire commaundements.

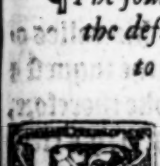
¶ It is ordeined that throughout all the cou̅ties of Englande there bee chosen sufficient Coroners, of the most sage & lawful knights that may best to the same office extēd whiche lawfullye shall attache; and present plees of the Coroner as well of appeales as of thinges to the same office belonging, And that no Coroner demaund nor take anye thing for doynge his office vppon peine of a grouous forfeiture to the king. 1. Westm̄. Cap. 12. But nowe by the statute made Anno. H. 8. Capitul 1. The Coroner shall haue xiii. shillinges. iiii. pence of the goodes of the murderer, And if the murder bee committed in the daye tyme and the murderer escape, the Coroner shall haue xiii. s. iiii. s. for the escape vpon the township.

¶ Also it appeareth by an estatute made in the xiii. yere of Edwarde the firste whiche is called the Statute of Excester, vnder what order inquisition shalbe made of the defaults of Coroners (bee they aliue or deade) where ye shall see the charge that shalbee geuen to the enquestes that shalbe charged to enquire of Coroners, in whiche charge it appeareth

fur-

further, what the coroner ought to do by his office, which charge here ensueth.

¶ *The fourme of the charge to enquire of the defaults of Coroners according to the statute of Excester.*



Eyrst they shall enquire if ẏ Coroner go in proper person to do his office or not whereby it apreth ẏ he cánot make a deputie.

2 Also if he haue sent anye other to do his office, what he was, & how often & about what aduentures.

3 And if he came at euery time of his owne good will without delaye, or that hee or hys clarke haue taken any thing for the more spedy executing of their office.

4 Also if he tarye or delaye to the entent to haue anye rewarde after that he hath knowledge of the trouth, and after that he is sente vnto how often, and in what place & vnder what maner.

5 Also if the goodes of felons taken by him be deliuered to ẏ townes to kepe by a lawful enquest, as they ought to be and enrolled in his record or not.

6 Also

6 Also if the Coroner take anye thing of any person for to take a false inquest for to destroy the right of any, or to praise the goodes for lesse then they be worth.

7 Also if he enter any thing in his rolles otherwise then it was geuen by the inquest & what thing he, or his clerke tooke therefore, and how often & for what thing he or his clerk tooke such thing.

8 Also if he or his clerke tooke of the goodes that were praised, & praised them at lesse then they entred them in their rolles.

9 Also if the praises were not affeered by the enquest.

10 Also if the towneship were falsely charged and of what thing.

11 Also if any appeales were falsely enrolled or imbesyled out of the rolles after that they were entred.

12 Also if he refuse to take any plaint of appeale, for pouertie, hate or other like cause, & what he toke for the occasion, and of whome and how much.

13 Also if he or his clerke haue taken ought for the goods of the partie that is dead vpon whose body he take the we, what thinge it was, and how often he so did.

14 Also if he haue entred al the attachemẽtes belongyng to hys office in due maner or if he haue made any attachemẽt for to greue any person or to haue of his owne and entre it into his rolles.

15 Also if he haue not done his office at all times at his owne costes without takynge ought therefore.

16 Also if he haue concealed ought at anye county to procure to be murdered to the greuance of any person and if hee so did then to enquire how often & for what reward, & for whō & in what case he so did.

17 Also if al the attachements hangynge, & lawfully receiued be pursued by him as hee ought to do for the king or for the partye, or cause to be pursued.

18 Also if the goods of such as haue fled ỹ townes where they dwel for suspection of felony were attached by him, and prayed by ẽquest, & ẽrolled according therũto & delyuered vnto the towns (wher those goods were founden) to keepe safely vntill the cõmynge of the Iusticers to Eire.

19 Also if he suffer appeales or other plaintes to him made to be conueied away embeseled or rayled out of the rolles, & if hee take

ought for such faulted of whom how much & how many times.

22. Item if there were any treasoure founde in the time of the same Coroner in what place, and what maner of treasour and how much, and in whose hands it resteth, and bye whose deliuerance.

¶ This is the whole charge that Justyces in Eyre must geeue, for to enquire of Coroners and of theire defaultes. Furthermore Justices in Eyre may ſpanel other inquests lower and twenty personnes of the bodye of the countye to inquire of the concealment of the first inquestes which did enquire of ỳ defaultes of Coroners.

¶ When Coroners haue anye knowledge from the kinges bailliffes, or other honest men of the countrey for to go vnto suche as bee slaine or sodeynlye dead or wounded or breakers of houses or to anye place wheare treasour is said to be founde theye muste goe forthewith, and commaunde lower, fyue, or syre, of the nert townesshippes that they bee afore the at suche a day and place, and when they shal come then the coroner must make enquire thereof in fourme following.

¶ First if the persone woure slaine in house or in

or in the fielde in bedes or at the tauerne &c. and who be gyltie theire eyther of the deede or cõsẽt &c. And if any be in the court, which were they, so that they cã speke or haue anye discretion, and they that bee founde giltye by inquest shalbee taken and delyuered to the shriffe. And suche as were present & bee not guilty shalbe attached vntill the comming of the Justices & their names shalbe writtẽ in the Cozoners rolle.

¶ If any be sodainelye slaine in fieldes or in the wooddes it is first to be seene whether he were slaine there or not, and if he weare not slaine there then as nere as they canne they shall follow the steppes of him that brought the bodye thyther with horse or carte yf it be possible in case the murderer bee knowen, and yf he bee a straunger then shal they enquire where he was lodged the nyghte before. And touchinge suche as shall be founden gyltie the Cozoner shall go immediatly to theire houses and inquire what goodes and lands they haue & how muche they bee worth by the yere.

But by the statut of king Rich. the 2. it is ordeined that the landes & goods of suche persons shal not be seased vntil they be attaited

or otherwise conuicte by course of the lawe And these thinges thus being enquired the bodies shalbe buried incontinent.

¶ Moreouer they muste enquyre of suche as bee drowned or dead sodaynly and whether theye were drowned or strangled, or slaine and they muste enquyre whoe weare the synders that theye maye bee attached. Also theye muste vyewe the lengthe bredthe and deepenesse of all woundes and must enquire with what weapons and in what place of the bodye. And if the wounde bee mortall, the offendoure shall bee kepte vntill it bee knowen whether the party may be whole, and yf the wounde bee greate then bee shall bee let goe vnder fower or syxe pledges and yf it bee but lyttle thenne two pledges shall suffice, also they muste enquire of horse cartes, and other thynges whereby anye were slaine that they may be praysed and deliuered vt supra.

¶ Also theye shall enquire of wrecke of the sea, and if anye laye hande vppon it, bee shall bee attached by good pledges, and the wrecke shall be praysed and deliuered to the nerte towneshippes. Furthermore hue and

crie

crie shall bee leuyed vppon all manslaughe-ters, burglaries, or when anye is slaine or in parel of deathe if it maye bee. And al shal followe suche hue and crie, yf theye bee able & they ẏ do not, shal be attached to appere be fore the Justicers &c.

¶ Also yf anye person flye vnto the churche or other hallowed place for murder, felony or suche lyke offence, the Coroner vpō knowledge thereof shall come thyther, and take hys confessyon, and yf hee wyll abiure the realme, the coroner shal receyue hys abiuratyon, which he shal say in this fourme,

¶ *The fourme of the abiuration.*

HERE you this Sir Coroner that I. A. B. am a thiefe of one horse (or other lyke thynge) or a man sleyar of on man (or mo) & a felon of our soueraygne lorde kinge Henrye the eyghte, and forasmuch as I haue committed many euil dedes and felonies in this his realme I here abiure his lande for euer and shall make as

as muche haste as I can to the hauen of .N. whiche you haue assigned mee and I shall not departe oute of the highe way and if I do I will that I be taken as a theefe and felon of the king, and further I shall dylygentlye seke my passage at ỳ place aboue limited, & I shall not abide there anye lenger then one ebbe and one flood, yf I maye haue passage and if I can haue no passage in so much space I shall go euery daye into the sea vp to myne knees and assaye if I can get ouer. And if I can not so do within forty daies continuing I shall yelde my selfe againe to the churche as the kings theefe & felon. So helpe me god & holidome.

¶ Neuertheles it seemeth that when anye person shall abiure, him behoueth to shewe the place, the day, and yere and in what cõtye he did the felonye, or murder, which confession shall bee as an indytement in effect, notwithstanding if he do it not but only as before is expressed it is good ynough, bycause hee is attainted beefore by this abiuracion. Howbee it, this maner of abiuracion is put out by the statute of Henrye the eight made in the twelueth yere of his reigne, whereby

it is ordeined that such as will abiure, shall make their abiuration from al their libertye vnto some sanctuary within this realme, ther to remayne during their liues, and shall be burned in the right hand with this letter A. And if such a person afterward be taken out of sanctuary he shalbe ordred in like manner as one that had abiured the realm before the sayde estatute, And the same persone that so taketh the churche shall make his abiuraciō and shall take his passage frō thence at such a daye and tyme as the Coroner shall appoynte, and shal bee marked vppon the brawen of his thombe on the righte hande with a burnynge yron, and shall bee conueiyed to the sanctuary (whereunto he is abiured) by the maires, bayliffes, and constables, in suche facion as they haue been which heare tofore had abiured the realme. And if any felon refuse to abiure before the Coroner hee shalbe takē out of the sanctuary, & shall leese the priuiledge therof. And ẏ is by the statute of an. 21. H. 8. ca. 2.

¶ And it is ordeyned that none shall be chosen coroner yf he hath not land sufficiēt win the same countye for to aunswere al persons

An.4.E.3.cap.8.

¶ And it is further ordeyned ỹ al Coroners shalbe chosen in the full countye by the commons of the sayde countye of the moste conuenient and able persons anno vicesimo octauo.E.3.cap.6.

¶ The Coroner shal enquire vppon the vieu of the body if he were slaine by day. yt ỹ murderer be taken.

And if the murderer escape ỹ townelhyp to bee amerced, and the Coroner shal enquire of that escape when hee enquirethe of the deathe vppon the vieue of the bodye and the Coroner shall haue for his fee thirtene shillings fower pence of the goods, of the murderer and if he haue no goodes then to haue his fee of such amerciamẽt as shalbe set vpõ the townshyp for the escape.

And after the murder founde the Coroner shall certifie his inquisition afore the Iusticers of the nert generall Gayle deliuerye in the countye. And yf the Coroner bee expille and make his inquisition vppon the vieue of the bodye and certifye not accordyng as is aforesayde: then the Coroner forfeuryde fault to forfaite one hundred shillings anno

tertij

tertio Henrici 7.cap.1.

¶It is ordeined that vppon enquest to the Coroners to come and inquire of anye persone drowned or slayne by misaduenture the Coroner shall dylygentlye doe hys office without anye thynge takyng therefore vppon payne of euerye Coroner that wyll not endeuor hym to do hys office or that taketh anye thynge for doynge his office vppon anye persone dead by misaduenture foure shillings Anno primo Henrici octaui capitulo septimo.

¶In case of mannes deathe within the pierge, it shal bee commaunded to the coroner of the countrey that hee together with the coroner of the kynges house do make the enquire, and enrolle it. And that which can not bee determined before the Steward because the Felons be not attached, or for other like cause shall remaine at the common laive so that the exigentes vtlagaries and presentmentes thereof bee made in Eyre by the coroner of the countreye, as of other felonies done out of the pierge. Articles vpon ỹ charters cap.2.

¶No Coroner shyryff nor other officer shal

take

take ought for hys officer and if he do he shal restore twise so muche Westminster primo capitulo vicesimo octauo. But the statute of Henrici septimi geueth to ỹ cozoner a marke of euery murder.

¶ Also it was sayd by the Iusticers M. serto Richardi secundi, that the cozoner hathe no power to enquire of mannes deathe, but onelye vppon vieiwe of the bodye and yf hee doe it is frustrate and voyd. And if one Cozoner enquire vppon the vieiwe of the bodye and after another Cozoner will come and enquire thereof againe this seconde enquire is voide for the first enquire is onely of recozd.

¶ If one become a pzououre before the Cozoner hee shall not afterwarde bee admytted to saye that hee dyd commyt the acte by duresse of imprisonment, for the recozde of the cozoner shall stop him to plede that.

¶ If anye will sue appeale of robbery or larcenye, hee muste come into the full countyth within the yeare and the daye after the felonye done and muste finde two pledges to followe hys suite and the cozoner shal enter his appeale immediatlye in his rolle and the names of the pledges, and then shall it be by

maunded to the bayllyffes of the place wher
&c, ẏ they haue the body at the nexte countye
and yf hee retourne at the seconde countye
(*Non est inuentus*) then shall the appeale
bee called from county to countie vntyll hee
bee outlawed and if the plaintife make de-
faute at anye countye then shall the exigent
cease vntill the Eire of the Justicers in the
same countye and the plaintife shal leese his
action after apparaunce for euer whereby it
appearethe that after the yeare and daye a
man shal not haue appeale of felonye and to
this point agreeth Brytton in his first booke
¶ The Coroner myste recorde hys vyewe,
abiuracion appeales, accusacions of theeues
made before him & so must he do of al things
that belong vnto his office to be doone and
the nonesuite of plaintifes in appeales hee
must recorde with al thyngs done in the cou
ty which belong vnto his office, also ye shall
note that appeales shalbe made in the cour-
tes of anye lorde ẏ hath fraũthise of Infang
thefe in presence of ẏ coroner &c.
¶ A presentment was sent in to the kynges
benche by a Coroner comprysinge howe a
certaine personne taken for felonye was cõ
ueied vnto the church by certain Freers &c.

And

And because ỹ Cozoner hadde no power to take suche an indytement a wrytte was dyrected to the same Cozoner to certifie whether hee hadde any other presentment oz not anno vicesimo septimo Edwar. tertij *libro assisarum.*

¶ An aduenture of the death of a man was presented before Justicez in eyre and because the same was not founden in the Cozoners rolle, the Cozoner was awarded to pryson The cozoners fee in Eire, is to haue a peny of euery venue when they shall come.

¶ Note that a presentment made before iustices in Eyre of a thynge, whiche is contrary to that that is entred in the cozoners roll. shall bee taken as voide, & the cozoners rolle shal be taken foz the recozde.

¶ The Cozoner shall enquire of the deathe of men slaine, oz dzowned in the armes oz treekes of the sea where the lande may bee seene of eyther side but nowe by the statute made anno 13. Richardi secundi capitulo quinto and cõfirmed anno secundo Henrici quarti capitulo. 11. the admiral hathe no iurisdiction but onely vppon the highe sea wherby it appeareth that the cozoner hath iurisdiction there

there to enquire of mans death.

¶ A coroner may take an appeale of felonye made by an approuour in anye countye of Englande and so may hee do of an abiuracion in case that hee confesse the felonye to be done in an other countye. And the Coroner may abiure him aswel vppon that as if the felonye had been doone within the same cõty. But hee can not take anye appeale of robberye or felonye onelesse it bee within the same countie where the robberye or felonye is committed and wheare he is coroner for by the confessyon or appeachement hee is attaynted & so is hee not in ỹ other case.

¶ One that becõmeth a prouour before Justicers shal not haue a coroner except he will confesse ỹ felony before them & pray a Coroner. L. 26. E. 3.

¶ And if one become approuour and appele other of diuers felonies doone in other cõnties, in this case the Coroner can not make proofe thereuppon into anye foreyne county but hee shall enter it into his rolle and shall send the same presentment before the Justyceers of gayle deliuerye and the Justicers of gayle deliuerye shall awarde processe to the

shirif

shyrisse of the foreyn countye for to take him that is so appealed.

¶Thus yee muste vnderstande that yf any shyrisses Bayllyffes Escheatours Constables or Corroners take oughte for dooynge theire offices otherwise then to them is lymytted by the statutes before declared that then suche takyng is extorcion whiche is punishable at the kings pleasure as appeareth by the statutes before written and by the statute made anno primo Henrici quarti capitulo vndecimo, whereby it appearethe that shiriffes and theire ministers bayllyffes and theire ministers, Escheatoures and theyre ministers, Corroners and theire minysters, are bounde to serue all preceptes to them directed from the Justicers of peace wythoute takynge oughte of anye partye. And if a precepte bee directed to the shiriffe, or any other the kyngs officer to compell anye to appeare before the Justicers to finde suertye of the peace, if the party (agaynst whom any such precepte is directed) bee redy to come before the sayde Justices to finde suerty of the peace they shall take nothyng of hym. And in like maner muste theye serue all processes

that

that come to them directed out of the kinges benche the common place the Escheaker or the Chauncery without taking ought there fore but onelye the fees expressed in the Estatutes before written.

And if theye take any other fees it is playne extorcion.

¶ *A briefe declaracion concernynge the extorcions of Ordinaries persons Vicars, and Curates.*

COncernynge Ordinaries, ye shal vnderstande that it is ordeined by an estatute made in the one and twentye yeare of kinge Henrie the eighte that no ordynarie shall take anie thinge for the probate of the testament of suche a personne whose goods amount not aboue the summe of a hundreth shillinges excepte to the scribe sixe pence onelie. And of gooddes aboue the value of a hundrethe shillinges vnto fortye pounde iii.s. sixe pence. And the Scribe to haue twelue pence of the same summe, and

for

for the probate of testament of goods aboue the value of forty pound fiue shillings wher of the scribe to haue two shillynges and syx pence or for euerye lyne being tenne inches in lengthe one penye and suche like summes for letters of administration where such persons dye intestate and the testament to be registred and deliuered to the party without delaye and letters of administracion to bee graunted to the wyfe or nert of the blond of the partye deceassed or to both. And for the probate of a testament or letter of administration of good vnder the summe of a hundreth shillinges, the Ordinary shal take nothynge. Moreouer it is the office of the ordynarye to deface the seale of ỳ testatour (wher with the testament was sealed) and to delyuer it agayn to ỳ party. And if the ordynary take any more then before is lymitted hee shall forfait so muche as he taketh and tenne poundes more besides that wherof the moyty shalbe to the party greued.

¶ If the Ordinary cyte any personne to appeare in a spirituall courte to depose in anye matter there as a witnesse ỳ is extorcion and wrong to the party.

¶ If any Ordinarie, Parson, or Vicar take anye mortuarie after the death of anye person which had not in goodes to the value of tenne markes, that is extortion. And lykewise [illegible] where they take a mortuarie in such [illegible] where it hath not beue actustomed [illegible] mortuaries. And euen so it is where [illegible] or Vicar, taketh more then iii. shillinges and [illegible]pence, in the name of a mortuarie, if the goodes amount aboue tenne markes, and vnder the value of xxx.li. for that is extortion. Also if hee take more then vi. s. viii. d. for a mortuarye where the goodes bee aboue the value of xxx.li. and vnder the summe of xl. pound the dettes payde, that is extortion.

¶ And if they take of them whose goodes amount to xl. pounde aboue the dettes payde, more then tenne shillinges for a mortuarye that is extortion.

¶ And if he take anye mortuarye for a woman maried or one that is within age, or for a man that keepeth no house it is extortion.

And if any mortuary be taken in Wales it is extortion, excepte Byshoppes that shall take mortuaries there of priestes & curates and the Archedeacon of Chester shall take

mortuaries of priestes wythin the county of Chester.

¶ And who soeuer taketh for a mortuary more then hee ought shall for[illegible] mu[illegible] in value as hee taketh, and fort[illegible] besydes that to the partys greu[illegible] [illegible]b.21. H.8.ca.6. and this haue a[illegible] [illegible]cient to declare vnto [illegible] [illegible]ning the E[illegible] of Ordinaries, Parsons, Vicars and Curates.

Finis.

Imprinted at London in Fletestrete within Temple Barre at the signe of the hand and Starre by Rychard Tottyl.

(:.)